

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

- - -

4 IN RE: NATIONAL : HON. DAN A. POLSTER
5 PRESCRIPTION OPIATE :
6 LITIGATION :
7 :
8 APPLIES TO ALL CASES : NO.
9 :
10 : 1:17-MD-2804

11 - HIGHLY CONFIDENTIAL -
12 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - -

January 9, 2019

- - -

13 Videotaped sworn deposition of
14 RITA NORTON, taken pursuant to notice,
15 was held at REED SMITH LLP, Three Logan
16 Square, 1717 Arch Street, Suite 3100,
17 Philadelphia, Pennsylvania, beginning at
18 9:44 a.m., on the above date, before
19 Margaret M. Reihl, a Registered
20 Professional Reporter, Certified
21 Shorthand Reporter, Certified Realtime
22 Reporter, and Notary Public.

- - -

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<p style="text-align: right;">Page 10</p> <p>1 taking your deposition today.</p> <p>2 Do you understand the oath and</p> <p>3 everything that you just took?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Have you ever had your</p> <p>6 deposition taken before?</p> <p>7 A. No.</p> <p>8 Q. Okay. Have you ever given</p> <p>9 testimony in any proceedings where you were</p> <p>10 under oath before?</p> <p>11 A. No.</p> <p>12 Q. I'm sure in preparation for</p> <p>13 today's deposition, your counsel explained sort</p> <p>14 of the rules of the road on how a deposition</p> <p>15 proceeds, but just so that we're all kind of</p> <p>16 clear about what those perimeters are today, I'd</p> <p>17 like to run through what we kind of call</p> <p>18 admonitions sometimes before a deposition.</p> <p>19 One of them is that of course you</p> <p>20 are under oath, and so you've agreed to tell the</p> <p>21 truth to the best of your recollection.</p> <p>22 So do I have your agreement to do</p> <p>23 that today?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 up right now, and it's not meant to be</p> <p>2 insensitive, but do you have any health issues</p> <p>3 that would prevent you from telling the truth or</p> <p>4 fully testifying here today?</p> <p>5 A. No.</p> <p>6 Q. Are you on any medication that</p> <p>7 might prevent you from telling the truth or</p> <p>8 giving a full deposition today?</p> <p>9 A. No.</p> <p>10 Q. From time to time you might be a</p> <p>11 little confused by a question or your counsel</p> <p>12 and I might have a conversation that leads you</p> <p>13 to not remember what the question was. If</p> <p>14 you're ever unclear about what a question is or</p> <p>15 you don't remember what the question was, you</p> <p>16 can ask me for clarification and I'll be happy</p> <p>17 to give you a clarification to the best of my</p> <p>18 ability.</p> <p>19 Does that make sense?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you understand today</p> <p>22 that you are here testifying on behalf of</p> <p>23 AmerisourceBergen?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. Another admonition we talk</p> <p>2 about is that we would request that you not</p> <p>3 guess about any information that you're asked</p> <p>4 about today, but I am entitled to your best</p> <p>5 recollection or your best estimate.</p> <p>6 So if you don't know some</p> <p>7 information, I would tell you not to guess at</p> <p>8 what it may or may not be, but if you have some</p> <p>9 recollection, you can tell me that.</p> <p>10 Does that make sense?</p> <p>11 A. Yes.</p> <p>12 Q. From time to time I may</p> <p>13 misunderstand your answers or my question may</p> <p>14 not be clear and so I might ask you to rephrase</p> <p>15 an answer or I might ask a follow-up question to</p> <p>16 get some clarification, especially where it's</p> <p>17 not clear if your answer is based on</p> <p>18 recollection or you're guessing.</p> <p>19 Does that make sense?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Because we're entitled to</p> <p>22 your best recollection, sometimes I'll ask</p> <p>23 questions that go towards your qualifications to</p> <p>24 give an answer. One of those is going to come</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. How long have you worked at</p> <p>2 AmerisourceBergen?</p> <p>3 A. Fourteen years.</p> <p>4 Q. I'm not super good with the</p> <p>5 maths, so would that mean that you joined the</p> <p>6 company in approximately 2004?</p> <p>7 A. Yes.</p> <p>8 Q. And when you joined</p> <p>9 AmerisourceBergen, what was your official title?</p> <p>10 A. Vice president government</p> <p>11 affairs.</p> <p>12 Q. Is that still your title today?</p> <p>13 A. No.</p> <p>14 Q. What is your title today?</p> <p>15 A. Senior vice president government</p> <p>16 and public policy.</p> <p>17 Q. So it sounds like at some point</p> <p>18 in time you received a promotion?</p> <p>19 A. Yes.</p> <p>20 Q. Was there a change in your</p> <p>21 responsibilities from vice president to senior</p> <p>22 vice president?</p> <p>23 A. Just taking on the policy</p> <p>24 function, which is a new function for the</p>

<p style="text-align: right;">Page 14</p> <p>1 company.</p> <p>2 Q. The policy function is public</p> <p>3 policy, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So it sounds like</p> <p>6 currently you have two job responsibilities,</p> <p>7 government affairs and public policy?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. When did that promotion</p> <p>10 take place?</p> <p>11 A. Approximately four years ago.</p> <p>12 Q. So approximately 2014?</p> <p>13 A. Yes.</p> <p>14 Q. So before 2013 as the vice</p> <p>15 president of government affairs, how would you</p> <p>16 describe your responsibilities at</p> <p>17 AmerisourceBergen?</p> <p>18 A. Well, I run the Washington</p> <p>19 office, and I'm responsible for federal and</p> <p>20 state government affairs, so advocacy and</p> <p>21 educating our associates as well as our elected</p> <p>22 officials who represent the company on the</p> <p>23 business and keeping our associates and our</p> <p>24 executives informed about what -- what policies</p>	<p style="text-align: right;">Page 16</p> <p>1 Washington office?</p> <p>2 A. Just that their responsibility is</p> <p>3 to monitor the state capitals, the state</p> <p>4 legislatures versus where we focus more on</p> <p>5 the -- on Washington and the federal legislature</p> <p>6 and administration.</p> <p>7 Q. When you say "we," you mean to</p> <p>8 the "we" as in the employees in the DC office,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Who are the individuals in the</p> <p>12 Washington office that are registered lobbyists?</p> <p>13 A. In addition to myself, Beth</p> <p>14 Mitchell, Brad Tallamy and Ashley O'Sullivan.</p> <p>15 Q. When you counted six employees at</p> <p>16 the Washington office, were you counting</p> <p>17 yourself?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Who is the VP of policy</p> <p>20 that you mentioned?</p> <p>21 A. Stacie Heller.</p> <p>22 Q. Okay. And who are the two</p> <p>23 employees that work remotely on state government</p> <p>24 affairs?</p>
<p style="text-align: right;">Page 15</p> <p>1 are before the state and federal governments.</p> <p>2 Q. You mentioned that you run the</p> <p>3 Washington office. Is that something that you</p> <p>4 still do after you received your promotion?</p> <p>5 A. Yes.</p> <p>6 Q. What kind of office does</p> <p>7 AmerisourceBergen have in Washington?</p> <p>8 A. We have a small office of six --</p> <p>9 there's six of us, and three of us are federal</p> <p>10 registered lobbyists, and then we have a manager</p> <p>11 who is an office manager, an admin, and that's</p> <p>12 it. And the -- sorry -- vice president of</p> <p>13 policy.</p> <p>14 Q. So a total of six employees; is</p> <p>15 that right?</p> <p>16 A. That's in Washington. And then</p> <p>17 we have two remote employees who are state</p> <p>18 government affairs lobbyists.</p> <p>19 Q. What office do those employees</p> <p>20 work at?</p> <p>21 A. Out of their homes.</p> <p>22 Q. You referred to those employees</p> <p>23 as state government affairs employees. Is that</p> <p>24 different than the people who work in the</p>	<p style="text-align: right;">Page 17</p> <p>1 A. John Benske and Pete Stokes.</p> <p>2 Q. How do you spell Mr. Benske's</p> <p>3 name?</p> <p>4 A. B, like boy, e-n-s-k-e.</p> <p>5 Q. You mentioned that part of your</p> <p>6 job responsibilities in the government affairs</p> <p>7 region was to be responsible for federal and</p> <p>8 state affairs.</p> <p>9 What does that mean?</p> <p>10 A. So we are primarily, as I said,</p> <p>11 responsible for monitoring the legislative and</p> <p>12 policies that the state and federal governments</p> <p>13 are developing and reporting that back to our</p> <p>14 employees and our executives, and our other</p> <p>15 primary responsibility is to educate legislators</p> <p>16 who represent our operations around the country</p> <p>17 so they know who we are, they understand our</p> <p>18 business, and we provide -- we serve as a</p> <p>19 resource to them. So if they have questions</p> <p>20 about how the pharmaceutical supply chain works</p> <p>21 or distribution, we can supply that.</p> <p>22 Q. You earlier mentioned advocacy as</p> <p>23 one of the elements of your responsibilities or</p> <p>24 your work in the federal and state government</p>

<p style="text-align: right;">Page 18</p> <p>1 affairs.</p> <p>2 What is -- what would you -- how</p> <p>3 would you describe the advocacy portion of your</p> <p>4 work?</p> <p>5 A. Advocacy is kind of a standard</p> <p>6 term that's used in all government operations.</p> <p>7 I mean, everybody has an advocacy to represent</p> <p>8 them with legislators as they work on the laws,</p> <p>9 making the laws that govern our country and our</p> <p>10 business and our personal lives, and so advocacy</p> <p>11 means we educate.</p> <p>12 Q. So in the legal field we use the</p> <p>13 term advocate as well, and when I'm an advocate</p> <p>14 for my client, I'm working on behalf of my</p> <p>15 client, like for my client's interests.</p> <p>16 Do that make sense?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the same way that the</p> <p>19 word is used in your work?</p> <p>20 MR. NICHOLAS: Object to the</p> <p>21 form.</p> <p>22 THE WITNESS: Well, we represent</p> <p>23 our company and help educate, as I said,</p> <p>24 policy makers so they understand our</p>	<p style="text-align: right;">Page 20</p> <p>1 form.</p> <p>2 BY MR. CLUFF:</p> <p>3 Q. That's another admonition I</p> <p>4 forgot to give, I'm sorry. So we have a video</p> <p>5 recording happening today, and we're also going</p> <p>6 to get a transcription of everything that's</p> <p>7 said, and so in order to get a clean record, a</p> <p>8 clean written record, it's important that you</p> <p>9 and I and Bob all let each other have a chance</p> <p>10 to finish our questions and answers. So after I</p> <p>11 ask you a question, give Bob a second or two or</p> <p>12 your counsel a second or two to interpose any</p> <p>13 objections that he might have.</p> <p>14 A. Okay.</p> <p>15 Q. I'll do my best to give you the</p> <p>16 same courtesy and let you finish your answers</p> <p>17 before I ask another question.</p> <p>18 A. Okay. Veterinarians are our</p> <p>19 customers too.</p> <p>20 Q. Okay. So that's -- veterinarians</p> <p>21 would be included in the list of customers that</p> <p>22 AmerisourceBergen works with, okay.</p> <p>23 Earlier you mentioned that part</p> <p>24 of your work, in addition to advocacy, was</p>
<p style="text-align: right;">Page 19</p> <p>1 business and some of the complexities of</p> <p>2 our business.</p> <p>3 BY MR. CLUFF:</p> <p>4 Q. And when you say your business,</p> <p>5 you refer to AmerisourceBergen, correct?</p> <p>6 A. Yes, AmerisourceBergen.</p> <p>7 Q. So in your work when you're</p> <p>8 advocating, you're advocating for policies that</p> <p>9 are supported by AmerisourceBergen?</p> <p>10 MR. NICHOLAS: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: Generally or our</p> <p>13 customers.</p> <p>14 BY MR. CLUFF:</p> <p>15 Q. Who are AmerisourceBergen's</p> <p>16 customers?</p> <p>17 A. Pharmacists, hospitals,</p> <p>18 manufacturers, patients. I mean, we serve</p> <p>19 everybody who receives pharmaceuticals.</p> <p>20 Q. So one of the things that you're</p> <p>21 doing in your work is advocating on behalf of</p> <p>22 AmerisourceBergen's customers as well?</p> <p>23 A. Yes.</p> <p>24 MR. NICHOLAS: Object to the</p>	<p style="text-align: right;">Page 21</p> <p>1 educating AmerisourceBergen's associates.</p> <p>2 How does your work involve</p> <p>3 educating AmerisourceBergen's associates?</p> <p>4 A. So we develop e-mails and we have</p> <p>5 in our company website a link so that they can</p> <p>6 learn about --</p> <p>7 MR. CLUFF: Hold on one second.</p> <p>8 Could we turn the phones off, please.</p> <p>9 THE WITNESS: So that they can</p> <p>10 get updated and have information about</p> <p>11 policies that impact our business and</p> <p>12 our customers.</p> <p>13 BY MR. CLUFF:</p> <p>14 Q. Does your office ever do any</p> <p>15 in-person training with AmerisourceBergen</p> <p>16 associates?</p> <p>17 A. No.</p> <p>18 Q. Have you ever conducted any</p> <p>19 webinars or seminars with AmerisourceBergen</p> <p>20 associates?</p> <p>21 A. In a limited sense.</p> <p>22 Q. How so?</p> <p>23 A. Well, we don't participate in</p> <p>24 company-wide type educational like our HR</p>

<p style="text-align: right;">Page 22</p> <p>1 department, for example. We just have set our 2 asset times to provide updates on issues that we 3 provide for interested associates. 4 Q. When you use the word 5 "associates," were you referring to sort of rank 6 and file AmerisourceBergen associates or anybody 7 employed by AmerisourceBergen? 8 A. Anybody employed by 9 AmerisourceBergen. AmerisourceBergen refers 10 their employees as associates. 11 Q. Understood. Thank you for the 12 clarification. 13 So in educating 14 AmerisourceBergen's associates then, you would 15 have been responsible for educating people like 16 Steven Collis? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: Yes. 20 BY MR. CLUFF: 21 Q. How about AmerisourceBergen's 22 Executive Committee? 23 A. Yes. 24 Q. You also referred to advocacy and</p>	<p style="text-align: right;">Page 24</p> <p>1 associates who live and work at these 2 operations are constituents, so elected 3 official considers the business 4 operations in their districts to be 5 constituents. 6 BY MR. CLUFF: 7 Q. Does AmerisourceBergen make 8 campaign contributions to the elected officials 9 where it does business? 10 MR. NICHOLAS: Object to the 11 form. 12 Go ahead. 13 THE WITNESS: Corporate 14 contributions? 15 BY MR. CLUFF: 16 Q. Yeah. 17 A. So we do, in a very limited 18 situations for states that do not accept PAC 19 contributions, we do make small, limited 20 corporate contributions, but it's a very nominal 21 amount. 22 Q. AmerisourceBergen then also makes 23 contributions through a PAC? 24 A. Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 educating AmerisourceBergen's associates as well 2 as its elected officials. 3 What did you mean by 4 AmerisourceBergen's elected officials? 5 A. So we have operations throughout 6 the country because we distribute 7 pharmaceuticals anywhere in the country within 8 12 hours. So we are constituents of many 9 elected officials around the country. So as 10 their constituent, we -- they look to us to help 11 them understand, sometimes visit our businesses. 12 Q. AmerisourceBergen can't vote in 13 elections, can it? 14 MR. NICHOLAS: Object to the 15 form. 16 THE WITNESS: As a company? 17 BY MR. CLUFF: 18 Q. Mm-hmm. 19 A. No. 20 Q. Okay. So how are you a 21 constituent of an elected official? 22 MR. NICHOLAS: Object to the 23 form. 24 THE WITNESS: Well, the</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. And what does a PAC stand for, 2 just so we have it on the record? 3 A. A PAC is a political action 4 committee, which were formed in the '70s by the 5 government to allow employees of companies to 6 pool their resources to help educate elected 7 officials who represent them or who have an 8 interest in learning about their business. 9 Q. And so AmerisourceBergen has a 10 PAC that it uses to make contributions to its 11 elected officials? 12 A. Yes, to -- we make a budget every 13 year and we have a PAC for it, and we have -- we 14 make contributions to elected officials. 15 Q. You mentioned that part of your 16 responsibilities were educating elected 17 officials who represent the company on the 18 business. 19 What did you mean when you said 20 that the elected officials who represent the 21 company? 22 MR. NICHOLAS: Object to the 23 form. 24 THE WITNESS: So, as I mentioned,</p>

<p style="text-align: right;">Page 26</p> <p>1 we have operations in more than half the</p> <p>2 states, so we have a constituent</p> <p>3 presence in many congressional</p> <p>4 districts, so that is one of our primary</p> <p>5 focuses of education is on legislators</p> <p>6 who represent us, in addition to</p> <p>7 legislators who have jurisdiction over</p> <p>8 issues that are -- affect healthcare.</p> <p>9 BY MR. CLUFF:</p> <p>10 Q. Do you understand that there are</p> <p>11 some elected officials who represent</p> <p>12 AmerisourceBergen?</p> <p>13 MR. NICHOLAS: Object to the</p> <p>14 form.</p> <p>15 THE WITNESS: I don't understand</p> <p>16 the question.</p> <p>17 BY MR. CLUFF:</p> <p>18 Q. Sure. I'll rephrase it or I'll</p> <p>19 explain it.</p> <p>20 We were talking earlier about</p> <p>21 your job responsibilities, and, you know, I kind</p> <p>22 of asked you to generally describe them, and one</p> <p>23 of the things you said was that you advocate and</p> <p>24 educate our associates as well as our elected</p>	<p style="text-align: right;">Page 28</p> <p>1 2014?</p> <p>2 A. No, just the added policy</p> <p>3 responsibility.</p> <p>4 Q. What was the added public policy</p> <p>5 responsibility?</p> <p>6 A. Well, we brought in a person to</p> <p>7 help us develop policy, primarily policies</p> <p>8 related to administration, policies,</p> <p>9 regulations, commenting, public comments on</p> <p>10 regulations.</p> <p>11 Q. Who is the person that</p> <p>12 Amerisource brought in to help develop policies?</p> <p>13 A. Stacie Heller.</p> <p>14 Q. And I believe you referred to her</p> <p>15 earlier as the vice president of public policy?</p> <p>16 A. Yes.</p> <p>17 Q. When you use the word "policy,"</p> <p>18 do you mean public policies?</p> <p>19 A. Yes.</p> <p>20 Q. And that's different than</p> <p>21 Amerisource's internal policies and procedures,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. As much as possible then,</p>
<p style="text-align: right;">Page 27</p> <p>1 officials who represent the company.</p> <p>2 So my question is does</p> <p>3 AmerisourceBergen have elected officials who</p> <p>4 represent it?</p> <p>5 MR. NICHOLAS: Same objection to</p> <p>6 the form.</p> <p>7 THE WITNESS: AmerisourceBergen</p> <p>8 has associates who reside in</p> <p>9 congressional districts, and elected</p> <p>10 officials represent those associates or</p> <p>11 employees.</p> <p>12 BY MR. CLUFF:</p> <p>13 Q. But do they also represent</p> <p>14 AmerisourceBergen?</p> <p>15 MR. NICHOLAS: Object to the</p> <p>16 form.</p> <p>17 BY MR. CLUFF:</p> <p>18 Q. After 2014 you continued to</p> <p>19 maintain your role over government affairs, even</p> <p>20 though you became the senior vice president,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did the work that you did under</p> <p>24 the umbrella of government affairs change after</p>	<p style="text-align: right;">Page 29</p> <p>1 let's try to refer to those policies as public</p> <p>2 policies, so we don't get any confusion, because</p> <p>3 one of the things that is at issue in this case</p> <p>4 is AmerisourceBergen's policies and procedures</p> <p>5 internally, and I don't want to confuse the</p> <p>6 record on that, if possible.</p> <p>7 A. Okay.</p> <p>8 Q. What kind of public policies was</p> <p>9 AmerisourceBergen concerned about developing</p> <p>10 when they hired Stacie Heller?</p> <p>11 MR. NICHOLAS: Object to the</p> <p>12 form.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: So we frequently</p> <p>15 prepare public comments, as do most</p> <p>16 public corporations, on -- and private</p> <p>17 corporations on regulations, proposed</p> <p>18 regulations that the government issues</p> <p>19 related to our businesses and our</p> <p>20 customers' businesses. She primarily</p> <p>21 oversees those public comments,</p> <p>22 developing those in coordination with</p> <p>23 our customers.</p> <p>24 BY MR. CLUFF:</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. You said Stacie is responsible 2 for coordinating those with your customers? 3 A. Well, that's one of the things 4 she does. 5 Q. I'm sorry. You actually used the 6 word oversees those public comments? 7 A. She develops them. 8 Q. Okay. And she develops them in 9 coordination with your customers? 10 A. It depends on the -- you know, 11 the proposed regulation, but at times, yes. 12 Q. That word coordination, is that a 13 word that you use a lot in your work? 14 MR. NICHOLAS: Object to the 15 form. 16 THE WITNESS: I don't know. 17 BY MR. CLUFF: 18 Q. Maybe we need some more specific 19 context. 20 What are some examples of -- 21 well, let me step back for a second. 22 This public policy work, did you 23 have any responsibility for public policy before 24 2014?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. There's just a lot of 2 administrative work involved in working for a 3 corporation and travel, and so it's hard to 4 estimate. 5 Q. So it sounds like even though 6 public policy was broken out as a specific focus 7 of your job responsibilities in 2014, that's 8 always work that you've done at 9 AmerisourceBergen, correct? 10 A. Yes. 11 Q. And then when Stacie Heller was 12 hired, she took over primary responsibility 13 under your supervision for public policy work? 14 A. Yes. 15 Q. You said that AmerisourceBergen 16 frequently prepares public comments on 17 regulations. 18 Do you have any recollection of 19 some regulations that AmerisourceBergen provided 20 public comment about? 21 MR. NICHOLAS: Object to the 22 form. 23 THE WITNESS: Every year the 24 Department of Health and Human Services</p>
<p style="text-align: right;">Page 31</p> <p>1 A. No. 2 Q. Who did? 3 A. Nobody. 4 Q. Did any of the work that you did 5 under the umbrella of government affairs before 6 2014 fall into the category of public policy 7 work? 8 A. Yes. 9 Q. If you could give me an estimate, 10 you know, in your work by percentage, how much 11 was government affairs and how much was public 12 policy? 13 MR. NICHOLAS: I'll object to the 14 form. 15 THE WITNESS: Well, they're kind 16 of intertwined. So I would say 20% 17 policy and 30% government affairs or 40% 18 government affairs. 19 BY MR. CLUFF: 20 Q. I don't think those percentages 21 come to 100. 22 So is there some other work that 23 you did in your role prior to 2014 that would 24 have rounded out the 100?</p>	<p style="text-align: right;">Page 33</p> <p>1 issues proposed regulations on physician 2 payment and hospital patient -- hospital 3 outpatient payment. For example, those 4 are proposed regulations that we prepare 5 and provide public comments that are 6 available to the public. 7 BY MR. CLUFF: 8 Q. Are there any other regulations 9 you can remember commenting on on behalf of 10 AmerisourceBergen? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: It's primarily 14 Medicare related. 15 BY MR. CLUFF: 16 Q. When you use the word 17 "regulations," does that refer to the Code of 18 Federal Regulations, or do you use that term 19 more broadly? 20 MR. NICHOLAS: Object to the 21 form. 22 THE WITNESS: I'm not -- I don't 23 know. 24 BY MR. CLUFF:</p>

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1 Q. What do you understand a
 2 regulation to be?
 3 A. A federal regulation that
 4 implements the law.
 5 Q. Are you aware that Amerisource --
 6 or if AmerisourceBergen ever issued public
 7 comments or prepared public comments about
 8 federal regulations related to the Department of
 9 Justice?
 10 A. No.
 11 Q. How about the DEA?
 12 A. No.
 13 Q. Are you aware if
 14 AmerisourceBergen ever issued public comments
 15 about DEA registrations?
 16 A. I don't know.
 17 Q. How about DEA quotas?
 18 A. I don't know.
 19 Q. Is there somebody at
 20 AmerisourceBergen who might know that
 21 information?
 22 MR. NICHOLAS: Object to the
 23 form.
 24 THE WITNESS: Chris Zimmerman.

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1 BY MR. CLUFF:
 2 Q. If AmerisourceBergen had issued
 3 public comments about issues related to the DEA
 4 or the DOJ, would you have worked with Chris
 5 Zimmerman to put those out?
 6 MR. NICHOLAS: Object to the
 7 form.
 8 THE WITNESS: I don't know.
 9 BY MR. CLUFF:
 10 Q. You also mentioned earlier that
 11 part of the public comment about regulations
 12 that AmerisourceBergen works on are regulations
 13 related to your customers' businesses; is that
 14 right?
 15 A. Yes.
 16 Q. Do you recall any regulations
 17 related to your customers' businesses that
 18 AmerisourceBergen worked on?
 19 A. Well, the physician payment rule
 20 impacts our physician customers, and the
 21 hospital outpatient rule impacts our hospital
 22 customers.
 23 Q. Why does AmerisourceBergen
 24 comment on regulations related to its customers?

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1 MR. NICHOLAS: Object to the
 2 form.
 3 THE WITNESS: Because of our role
 4 in the supply chain.
 5 BY MR. CLUFF:
 6 Q. What do you mean by that?
 7 A. Just that we supply those
 8 customers so the regulations will seek comment
 9 on issues related to that.
 10 Q. When I asked you about
 11 regulations affecting your customers, you
 12 mentioned physicians and hospitals.
 13 How about pharmacies, has
 14 AmerisourceBergen ever commented on regulations
 15 affecting its pharmacy customers?
 16 MR. NICHOLAS: Object to the
 17 form.
 18 THE WITNESS: Yes.
 19 BY MR. CLUFF:
 20 Q. Do you recall any of those?
 21 A. No.
 22 Q. How about manufacturers, do you
 23 recall any public comment about regulations
 24 related to manufacturers?

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1 A. No.
 2 Q. How about any regulations issued
 3 by the FDA regarding marketing of drugs?
 4 A. No.
 5 Q. How about other distributors,
 6 have you commented on regulations affecting
 7 other distributors?
 8 A. Any regulation affecting us would
 9 likely affect other distributors.
 10 Q. When you mentioned Stacie
 11 Heller's work, you said she primarily oversees
 12 the public comments developing those in
 13 coordination with our customers.
 14 Do you recall that?
 15 A. Yes.
 16 Q. Okay. What did you mean when you
 17 said "in coordination with our customers"?
 18 MR. NICHOLAS: Object to the
 19 form.
 20 THE WITNESS: So we are -- you
 21 know, participate in the pharmacy
 22 associations, for example, like chain
 23 drug stores and the independent
 24 pharmacists and long-term care

<p style="text-align: right;">Page 38</p> <p>1 pharmacies, so we usually -- and the 2 physician community, and we usually 3 circulate amongst our associations our 4 thoughts and ideas for the comments. 5 BY MR. CLUFF: 6 Q. So based on your testimony, it 7 seems that your understanding of coordination is 8 participating in trade associations, correct? 9 MR. NICHOLAS: Object to the 10 form. 11 THE WITNESS: Communicating with 12 trade associations is my definition of 13 coordinating. 14 BY MR. CLUFF: 15 Q. You mentioned participating in 16 pharmacy associations in response to my question 17 about coordination. 18 Is that not a way in which you 19 coordinate with your customers? 20 MR. NICHOLAS: Object to the 21 form. 22 THE WITNESS: I -- I don't know. 23 BY MR. CLUFF: 24 Q. But AmerisourceBergen does</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Do you know if McKesson is a 2 member? 3 A. Yes. 4 Q. How about Cardinal Health? 5 A. Yes. 6 Q. Do you know if any manufacturers 7 are members of NACDS? 8 A. No. 9 Q. Is the answer that you don't know 10 or that none of the manufacturers are members? 11 A. I don't know. 12 Q. Is the HDA a member of the NACDS? 13 A. No. 14 Q. How about the NCPA, is Rite Aid a 15 member of the NCPA? 16 A. I don't know. 17 Q. How about Walgreens? 18 A. I don't know. 19 Q. Walmart? 20 A. No. 21 Q. CVS? 22 A. No. 23 Q. Okay. Is AmerisourceBergen a 24 member of the NCPA?</p>
<p style="text-align: right;">Page 39</p> <p>1 participate in pharmacy associations? 2 A. Yes. 3 Q. Do you know which ones? 4 A. NACDS. 5 Q. What does that stand for? 6 A. National Association of Chain 7 Drug Stores. NCPA, National Community 8 Pharmacists Association. SCPC, the Specialty 9 Community Pharmacy Association. And COA, the 10 Community Oncology Alliance, that's physicians. 11 Q. Do you know who the members of 12 NACDS are? 13 A. There are many members of NACDS. 14 Q. Do you know if Rite Aid is a 15 member of NACDS? 16 A. Yes. 17 Q. How about Walgreens? 18 A. Yes. 19 Q. Walmart? 20 A. Yes. 21 Q. CVS? 22 A. Yes. 23 Q. AmerisourceBergen is a member? 24 A. Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. We are a member of their policy 2 committee. 3 Q. What does that mean? 4 A. That we're not a member like an 5 actual pharmacy. The pharmacies are their 6 primary members, and we are, as a supplier to 7 the pharmacies, a member of their policy 8 committee. 9 Q. Is McKesson a member of the NCPA? 10 A. I don't know. 11 Q. How about Cardinal Health, do you 12 know if they're a member of NCPA? 13 A. I don't know. 14 Q. Do you know if McKesson is on the 15 policy committee? 16 A. I don't know. 17 Q. Do you know if Cardinal Health is 18 on the policy committee there? 19 A. I don't know. 20 Q. What is Amerisource's role as a 21 member of the policy committee of the NCPA? 22 A. They have policy committee 23 meetings several times a year that someone from 24 our business participates in to help them</p>

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1 determine their policy positions.
2 Q. Do you know who that person is?
3 A. Chuck Reed.
4 Q. Sorry. Could you say it again?
5 A. Chuck Reed.
6 Q. And his role on the policy
7 committee is to help the members of the NCPA
8 figure out their policy positions?
9 A. Yes. All the members of the
10 association are -- participate in that policy
11 committee.
12 Q. I want to go back to the NACDS
13 for a second.
14 What is AmerisourceBergen's
15 involvement with the NACDS?
16 A. Similar to NCPA, we have a role
17 as a member to provide input on their policy
18 decision or their policy positions.
19 Q. Does AmerisourceBergen sit on any
20 committees of the NACDS?
21 A. Yes.
22 Q. What are those?
23 A. Their government affairs and
24 their policy committee, and we have a board

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1 position.
2 Q. Who is the government affairs --
3 well, who from Amerisource sits on the
4 government affairs committee at NACDS?
5 A. Myself and Beth Mitchell.
6 Q. Beth Mitchell is one of the
7 registered lobbyists that you oversee in
8 Washington?
9 A. Yes.
10 Q. Who from Amerisource sits on the
11 policy committee of NACDS?
12 A. Chuck Reed and Stacie Heller.
13 Q. I think Chuck Reed we haven't
14 discussed.
15 Where does he work?
16 A. He works in -- out of -- he works
17 in California.
18 Q. Who does he report to?
19 A. Brian Nightingale.
20 Q. Are these people that you oversee
21 as a senior vice president?
22 A. No.
23 Q. Who oversees Chuck Reed and Brian
24 Nightingale?

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1 A. Bob Mauch.
2 Q. Do you know what their job
3 responsibilities are? I'll back it up.
4 What is -- what are Chuck Reed's
5 job responsibilities?
6 A. I don't know.
7 Q. Do you know his title?
8 A. No.
9 Q. How about Brian Nightingale, do
10 you know his job responsibilities?
11 A. Only that he oversees our
12 independent pharmacies, the Good Neighbor
13 pharmacies.
14 Q. Is that like a sales position or
15 a marketing type position?
16 A. Management.
17 Q. Who sits on the board for
18 AmerisourceBergen of the NACDS?
19 A. Brian Nightingale.
20 Q. Does AmerisourceBergen have
21 anybody sitting on the Executive Committee of
22 the NACDS?
23 A. No.
24 Q. Does AmerisourceBergen

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1 participate in any other trade associations that
2 you're aware of?
3 A. The Health Distribution Associa
4 -- Alliance, Health Distribution Alliance and
5 the Healthcare Leadership Council.
6 Q. Are you aware whether if the HDA
7 or the Healthcare Distribution Alliance ever
8 went by any other names?
9 A. Health Distribution Management
10 Association.
11 Q. If I refer to the Healthcare
12 Distribution Alliance as the HDA, is that a term
13 that you understand?
14 A. Yes.
15 Q. And if I refer to the Healthcare
16 Distribution Management Association as the HDMA,
17 is that a term that you understand?
18 A. Yes.
19 Q. Can we refer to both entities as
20 just the HDA?
21 A. Sure.
22 Q. Okay. What is the Healthcare
23 Leadership Council?
24 A. That's an organization of -- that

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1 represents the cross-section of the healthcare
 2 industry, so everything from hospitals,
 3 pharmacies, insurers to pharmacies,
 4 distributors. Basically, anybody in the
 5 healthcare industry is represented or can be
 6 represented in the Healthcare Leadership
 7 Council.
 8 Q. So it looks like you mentioned
 9 hospitals, pharmacies, insurers and
 10 distributors.
 11 What about physicians or
 12 prescribers?
 13 A. Possibly. You know, like Mayo
 14 Clinic is a member, and also manufacturers are
 15 members and pharmacies.
 16 Q. Does the Healthcare Leadership
 17 Council have like committees or subgroups or
 18 working groups?
 19 A. They have task forces.
 20 Q. Does AmerisourceBergen hold any
 21 positions in the Healthcare Leadership Council?
 22 A. Steve Collis is on the board, and
 23 then Stacie Heller and I serve on their task
 24 force committees or task forces.

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1 Q. What task forces are those?
 2 A. I can't remember the names, but
 3 there's one on the uninsured. I think there's
 4 another one on healthcare quality.
 5 Q. Is McKesson a member of the
 6 Healthcare Leadership Council?
 7 A. Yes.
 8 Q. How about Cardinal Health?
 9 A. Yes.
 10 Q. Do you know which manufacturers
 11 are members of the Healthcare Leadership
 12 Council?
 13 MR. NICHOLAS: Object to the
 14 form, foundation.
 15 THE WITNESS: No.
 16 BY MR. CLUFF:
 17 Q. Have you -- do you have any
 18 understanding about Johnson & Johnson
 19 participating in the Healthcare Leadership
 20 Council?
 21 A. I don't know.
 22 Q. Do you have any understanding
 23 about Mallinckrodt participating in the
 24 Healthcare Leadership Council?

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1 A. I don't know.
 2 Q. You mentioned pharmacies.
 3 Do you know which pharmacies
 4 participate in the Healthcare Leadership
 5 Council?
 6 A. I don't know. The membership
 7 changes, and sometimes they join and then they
 8 drop out, and so I don't know. At this time I
 9 don't know.
 10 Q. Do you have any understanding
 11 about Rite Aid participating in the Healthcare
 12 Leadership Council?
 13 A. I don't know.
 14 Q. Some of these questions I have to
 15 ask just to get your understanding. I'm not
 16 trying to trick you into saying yes or no, just,
 17 you know, looking in all the cupboards, so to
 18 speak.
 19 A. Okay.
 20 Q. How about Walgreens, do you know
 21 in Walgreens participated in the Healthcare
 22 Leadership Council?
 23 A. Yes.
 24 Q. How about Walmart?

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1 A. I don't know.
 2 Q. How about CVS?
 3 A. I don't know.
 4 Q. You made an interesting point
 5 about membership changing, people coming in and
 6 going out.
 7 I want to go back to the chain or
 8 the other pharmacy memberships that
 9 AmerisourceBergen has.
 10 With the NACDS, do you know how
 11 long AmerisourceBergen has been a member of the
 12 NACDS?
 13 A. No.
 14 Q. You've worked at
 15 AmerisourceBergen since 2004.
 16 Do have a recollection of when
 17 you started working with the NACDS as part of
 18 your job responsibilities?
 19 A. Since 2004.
 20 Q. Since 2004.
 21 So AmerisourceBergen potentially
 22 has been a member of the NACDS since that time?
 23 A. Yes.
 24 Q. Do you know if Cardinal and

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1 McKesson are both members during the same time
2 period?
3 A. Yes.
4 Q. How about the NCPA, do you know
5 when AmerisourceBergen's membership started with
6 the NCPA?
7 A. Since before 2004.
8 Q. How about the Healthcare
9 Leadership Council, do you know when
10 AmerisourceBergen started participating in that
11 group?
12 A. No.
13 Q. Do you have a recollection, based
14 on your work with AmerisourceBergen, when --
15 when that may have happened?
16 MR. NICHOLAS: Object to the
17 form.
18 THE WITNESS: I don't remember.
19 BY MR. CLUFF:
20 Q. Do you recall doing any work with
21 the Healthcare Leadership Council before you
22 became the senior vice president?
23 A. Yes.
24 Q. So sometime before 2014 then?

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1 A. Yes.
2 Q. Do you know if Cardinal Health
3 was a member at that time?
4 A. I don't know.
5 Q. How about McKesson?
6 A. I don't know.
7 Q. You mentioned the HDA and the
8 HDMA.
9 Do you have any knowledge as to
10 how long AmerisourceBergen has been a member of
11 the HDA or the HDMA?
12 A. Since before 2004.
13 Q. Do you have any knowledge about
14 which employees for AmerisourceBergen
15 participate in the HDA?
16 A. There's quite a few.
17 Q. So I don't want to quiz you on
18 every single one of them, but let's talk about
19 some highlights, and maybe we work our way from
20 the top down at the HDA.
21 So the HDA has a Board of
22 Directors and an Executive Committee. Does
23 AmerisourceBergen hold any positions with the
24 HDA on either the Board of Directors or the

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1 Executive Committee?
2 A. Yes.
3 Q. What are those?
4 A. Board member and Executive
5 Committee member. It's the same person.
6 Q. Who is that?
7 A. Bob Mauch.
8 Q. Does Mr. Mauch hold any special
9 positions on either the Board of Directors or
10 the Executive Committee?
11 A. I don't know.
12 Q. So you don't know whether he
13 might be a chairman of the board or a chairman
14 of the Executive Committee?
15 A. Incoming chairman.
16 Q. Of which?
17 A. The board -- I'm not sure. I
18 think he -- I should say I don't know. I know
19 he's --
20 Q. Do you know if he's ever held a
21 position like chairman --
22 A. No.
23 Q. -- with the Board of Directors or
24 the Executive Committee?

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1 A. He has not.
2 Q. Okay. Before Mr. Mauch served on
3 the Executive Committee, do you know who held
4 positions for AmerisourceBergen on the Executive
5 Committee?
6 A. Dave Yost, Steve Collis, Dave
7 Neu.
8 Q. Who is Dave Yost?
9 A. Our former CEO.
10 Q. Do you know when he sat on the
11 Executive Committee?
12 A. Since before 2004 until he left
13 the company, which was 2010.
14 Q. Is that a guess or your best
15 estimate?
16 A. That's my best estimate.
17 Q. Okay. Who is Steve Collis?
18 A. Our chair -- AmerisourceBergen's
19 chairman, CEO and president.
20 Q. Do you know when he held a
21 position on the Executive Committee of the HDA?
22 A. I don't remember the exact years.
23 Q. Was it before or after Mr. Yost?
24 A. After.

<p style="text-align: right;">Page 54</p> <p>1 Q. So sometime after 2010?</p> <p>2 A. Yes. No. I don't remember.</p> <p>3 Q. Who is David Neu?</p> <p>4 A. Former president of the company.</p> <p>5 Q. And his last name is spelled</p> <p>6 N-e-u, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know when he held a</p> <p>9 position on the Executive Committee of the HDA?</p> <p>10 A. I don't remember the exact years.</p> <p>11 Q. Do you know if it was before or</p> <p>12 after Mr. Collis?</p> <p>13 A. After Mr. Collis.</p> <p>14 Q. Do you know how long Mr. Neu</p> <p>15 served on the Executive Committee of the HDA?</p> <p>16 A. Approximately four years.</p> <p>17 Q. Do you know when Bob Mauch</p> <p>18 started holding a position on the Executive</p> <p>19 Committee of the HDA?</p> <p>20 A. I don't know.</p> <p>21 Q. How about the Board of Directors,</p> <p>22 do you know if Dave Yost ever held a position on</p> <p>23 the Board of Directors for the HDA?</p> <p>24 A. I don't know.</p>	<p style="text-align: right;">Page 56</p> <p>1 the primary members as part of that.</p> <p>2 Q. You've referred to manufacturers</p> <p>3 a couple times as customers of</p> <p>4 AmerisourceBergen.</p> <p>5 What do manufacturers purchase</p> <p>6 from AmerisourceBergen that would make them</p> <p>7 customers?</p> <p>8 MR. NICHOLAS: Object to the</p> <p>9 form.</p> <p>10 THE WITNESS: We purchase</p> <p>11 pharmaceuticals from manufacturers.</p> <p>12 They don't purchase from us.</p> <p>13 BY MR. CLUFF:</p> <p>14 Q. I'm just trying to understand the</p> <p>15 words "they" you're using today, so I'm going to</p> <p>16 ask the question a little bit differently.</p> <p>17 You've referred to manufacturers</p> <p>18 multiple times as customers of</p> <p>19 AmerisourceBergen. How are manufacturers</p> <p>20 customers of AmerisourceBergen, in your</p> <p>21 understanding?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form.</p> <p>24 Go ahead.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. And how about Mr. Collis, do you</p> <p>2 know if he held a position on the Board of</p> <p>3 Directors of the HDA?</p> <p>4 A. I don't know.</p> <p>5 Q. How about David Neu, did he ever</p> <p>6 hold a position with the HDA?</p> <p>7 A. Chairman.</p> <p>8 Q. Was Mr. Neu ever a chairman of</p> <p>9 the Executive Committee of the HDA?</p> <p>10 A. Chairman of the board.</p> <p>11 Q. Are you generally familiar with</p> <p>12 the membership of the HDA?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know if manufacturers are</p> <p>15 member of the HDA?</p> <p>16 A. Manufacturers have some sort of</p> <p>17 subsidiary or associate type of membership, but</p> <p>18 it's not policy making or it's sort of, as I</p> <p>19 said, subsidiary committee almost.</p> <p>20 Q. What do you mean by that?</p> <p>21 A. I just -- I think they just, as</p> <p>22 a -- as a customer and a part of the supply</p> <p>23 chain, they have some kind of minor membership,</p> <p>24 but we don't interact with them, I mean meaning</p>	<p style="text-align: right;">Page 57</p> <p>1 THE WITNESS: We purchase</p> <p>2 pharmaceuticals from manufacturers, and</p> <p>3 we aggregate them and distribute them</p> <p>4 anywhere in the country.</p> <p>5 BY MR. CLUFF:</p> <p>6 Q. So that makes AmerisourceBergen a</p> <p>7 customer of manufacturers, correct?</p> <p>8 MR. NICHOLAS: Object to the</p> <p>9 form. Word bickering.</p> <p>10 THE WITNESS: We view them as a</p> <p>11 customer, but I guess it's up to you how</p> <p>12 you want to...</p> <p>13 BY MR. CLUFF:</p> <p>14 Q. It's not up to me. These are</p> <p>15 your words. I'm just trying to understand them.</p> <p>16 A. We view them as a customer.</p> <p>17 Q. Why?</p> <p>18 A. Because we purchase</p> <p>19 pharmaceuticals from them.</p> <p>20 Q. Are you aware if</p> <p>21 AmerisourceBergen is selling anything to</p> <p>22 manufacturers?</p> <p>23 A. No.</p> <p>24 Q. Are you aware if</p>

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1 AmerisourceBergen sells transactional data back
2 to manufacturers?
3 A. I don't know.
4 Q. You said we view them as
5 customers.
6 Who have you learned from at
7 AmerisourceBergen that manufacturers are
8 customers?
9 MR. NICHOLAS: Object to the
10 form.
11 THE WITNESS: I don't know.
12 BY MR. CLUFF:
13 Q. Earlier you talked about
14 coordinating policies with AmerisourceBergen's
15 customers.
16 Are manufacturers groups that
17 AmerisourceBergen coordinates with?
18 MR. NICHOLAS: Object to the
19 form.
20 THE WITNESS: No.
21 BY MR. CLUFF:
22 Q. Have you in your work as the vice
23 president or senior vice president of government
24 affairs ever worked with any manufacturers to

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1 coordinate efforts?
2 A. No.
3 Q. Never?
4 A. I don't know.
5 Q. We talked earlier -- we were
6 talking earlier about membership in the HDA, and
7 we just covered manufacturers.
8 Do you know if other distributors
9 are members of the HDA?
10 A. Yes.
11 Q. Which manu -- or which
12 distributors do you understand to be members of
13 the HDA?
14 A. So they're referred to as primary
15 distributors or the distributors who purchase
16 from manufacturers directly. I believe there's
17 38 total or something around 35 to 38.
18 Q. Is AmerisourceBergen a primary
19 distributor?
20 A. Yes.
21 Q. Okay. How about McKesson?
22 A. Yes.
23 Q. Cardinal Health?
24 A. Yes.

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1 Q. H.D. Smith?
2 A. Yes.
3 Q. Henry Schein?
4 A. Yes.
5 Q. Can you think of any other
6 distributors that are primary distributors?
7 A. Smith Drug and...
8 Q. Do you know if McKesson holds a
9 board position or a position on the Executive
10 Committee of the HDA?
11 A. Yes.
12 Q. Do you know how long that
13 McKesson has held the board position or
14 Executive Committee position with the HDA?
15 A. Since before 2004.
16 Q. How about Cardinal Health, do you
17 know if --
18 A. Yes.
19 Q. I'm sorry. Let me ask the
20 question, so we know what you're agreeing to
21 first.
22 Do you know if Cardinal Health
23 has held board positions or Executive Committee
24 positions at the HDA?

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1 A. Yes.
2 Q. Okay. Do you know how long
3 Cardinal Health has held those positions?
4 A. Since before 2004.
5 Q. Earlier you talked about part of
6 your job responsibilities in government affairs
7 being educating associates at AmerisourceBergen,
8 correct?
9 A. Yes.
10 Q. So in part of your work would you
11 have educated the people who held board
12 positions or Executive Committee positions in
13 the HDA?
14 MR. NICHOLAS: Object to the
15 form.
16 THE WITNESS: Yes.
17 BY MR. CLUFF:
18 Q. Did you ever attend any board
19 meetings or Executive Committee meetings of the
20 HDA?
21 A. Once.
22 Q. When was that?
23 A. Approximately 2005.
24 Q. Do you recall why you attended

<p style="text-align: right;">Page 62</p> <p>1 that meeting or those meetings?</p> <p>2 A. No.</p> <p>3 Q. Would you have attended with</p> <p>4 Mr. Yost?</p> <p>5 A. Yes. I'm sorry. I attended</p> <p>6 with -- at that time our board member was Kurt</p> <p>7 Hilzinger.</p> <p>8 Q. Who is Kurt Hilzinger?</p> <p>9 A. He was a former -- I can't</p> <p>10 remember his title, but he was a former</p> <p>11 executive under Mr. Yost at AmerisourceBergen,</p> <p>12 and he was our HDA board member when I started</p> <p>13 with the company in 2004.</p> <p>14 Q. Do you know if any other</p> <p>15 AmerisourceBergen associates would have attended</p> <p>16 HDA board meetings?</p> <p>17 A. No.</p> <p>18 Q. How about Executive Committee</p> <p>19 meetings?</p> <p>20 A. No.</p> <p>21 Q. Okay. Before the HDA held board</p> <p>22 meetings or Executive Committee meetings, did</p> <p>23 they ever disseminate materials to the board or</p> <p>24 Executive Committee members?</p>	<p style="text-align: right;">Page 64</p> <p>1 members to review before those meetings?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you recall if you ever</p> <p>4 received such a packet about an Executive</p> <p>5 Committee meeting?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you recall if you ever</p> <p>8 reviewed such a packet about an Executive</p> <p>9 Committee meeting?</p> <p>10 A. My understanding is that the</p> <p>11 board materials are the Executive Committee</p> <p>12 materials, so I'm not aware that there's any</p> <p>13 separate Executive Committee materials except</p> <p>14 for possibly the association's budget, which</p> <p>15 I -- which I don't see and I believe goes to the</p> <p>16 Executive Committee.</p> <p>17 Q. I want to talk about your work</p> <p>18 with the HDA for a second to kind of lay some</p> <p>19 groundwork for some more topics we're going to</p> <p>20 discuss during the rest of the day, and then --</p> <p>21 how long have we been going? And then I think</p> <p>22 let's take a break, how about that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall working on a</p>
<p style="text-align: right;">Page 63</p> <p>1 A. I don't understand your question.</p> <p>2 Q. Sure.</p> <p>3 Do you know if the HDA ever</p> <p>4 created a packet of information for board</p> <p>5 members to review prior to a board member</p> <p>6 meeting?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever receive, review any</p> <p>9 of those packets before a board member meeting?</p> <p>10 A. Yes.</p> <p>11 Q. In what capacity would you have</p> <p>12 reviewed or received those?</p> <p>13 A. In a limited capacity. I receive</p> <p>14 usually the government affairs portion of the</p> <p>15 presentation.</p> <p>16 Q. And would you have reviewed the</p> <p>17 government affairs portion of the presentation?</p> <p>18 A. Yes.</p> <p>19 Q. For what purpose?</p> <p>20 A. Just to be informed for sharing</p> <p>21 of information.</p> <p>22 Q. How about the Executive</p> <p>23 Committee, do you know if the HDA created a</p> <p>24 packet of information for Executive Committee</p>	<p style="text-align: right;">Page 65</p> <p>1 committee of the HDA called the 340B task force?</p> <p>2 A. Yes.</p> <p>3 Q. What was that task force?</p> <p>4 A. There's a program in Medicare</p> <p>5 called 340B that is for patients who are low</p> <p>6 income, hospital patients.</p> <p>7 Q. Do you recall if your</p> <p>8 participation on that committee started around</p> <p>9 2011?</p> <p>10 A. I don't remember.</p> <p>11 Q. Is that a committee that you're</p> <p>12 still working with?</p> <p>13 A. No.</p> <p>14 Q. Do you recall working with a</p> <p>15 committee called the controlled -- or a</p> <p>16 committee or other organization called the</p> <p>17 Controlled Substances Abuse Task Force in the</p> <p>18 HDA?</p> <p>19 A. I don't remember.</p> <p>20 Q. How about the Emergency</p> <p>21 Preparedness and Influenza Task Force, do you</p> <p>22 recall working on such a task force?</p> <p>23 A. Yes.</p> <p>24 Q. What was that task force about?</p>

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1 A. There were problems a few years
2 ago with making sure that there were enough
3 vaccines available for certain pandemics or flu
4 outbreaks, and so we worked with the government
5 to help advise and prepare so that those
6 shortages wouldn't occur.
7 Q. Are you still working with that
8 task force?
9 A. Not lately.
10 Q. How about the Federal Government
11 Affairs Committee, were you a member of that
12 committee?
13 A. Yes.
14 Q. Did you ever hold any leadership
15 positions in that committee?
16 A. Yes.
17 Q. What were those?
18 A. I chaired federal government
19 affairs.
20 Q. Do you recall when you first
21 began working with the -- if I say the FGAC, is
22 that the same as the Federal Government Affairs
23 Committee?
24 A. Yes.

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1 Q. Do you recall when you first
2 began working with the FGAC?
3 A. Since 2004.
4 Q. Do you recall when you were the
5 chairperson?
6 A. No. I would estimate 2014 to
7 2016.
8 Q. What were your responsibilities
9 as the chairperson of that committee?
10 A. It's just a figure head. It's
11 just a name as chairman. Sometimes I would
12 review the agendas for the meetings in advance.
13 Q. Who are the other members of the
14 Federal Government Affairs Committee?
15 A. Any primary member of HDA can
16 participate in the Federal Government Affairs
17 Committee.
18 Q. So was Cardinal Health a member
19 of the FGAC?
20 A. Yes.
21 Q. How about McKesson?
22 A. Yes.
23 Q. Do you know if Cardinal Health or
24 McKesson ever held any leadership positions on

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1 the FGAC?
2 A. Yes.
3 Q. Do you know when that was?
4 A. No.
5 Q. Was there a person from Cardinal
6 Health who you worked with on the FGAC?
7 A. Yes.
8 Q. Who was that?
9 A. Sean Callinicos.
10 Q. Do you know what his title is
11 with Cardinal Health?
12 A. I think it's vice president,
13 government affairs.
14 Q. Did you interact with anybody at
15 -- from McKesson on the FGAC?
16 A. Yes.
17 Q. Who was that?
18 A. Pete Slone.
19 Q. Is his name Pete or Peter?
20 A. Peter.
21 Q. Okay. And then how do you spell
22 his last name?
23 A. S-l-o-n-e.
24 Q. Do you know what his position at

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1 McKesson was?
2 A. I think it's vice president of
3 government affairs. I mean, they could be
4 senior vice president. I don't know.
5 Q. But it seems like generally
6 they're executive level employees over
7 government affairs?
8 A. Yes.
9 Q. How about the Federal Pedigree
10 Working Group, do you know what that is?
11 A. I don't know if that's still in
12 existence.
13 Q. Is that a committee that you
14 recall working on?
15 A. No.
16 Q. How about the Government and
17 Public Policy Council, do you recall working on
18 that group?
19 A. Yes.
20 Q. If I call that the GPPC, is that
21 accurate?
22 A. Yes.
23 Q. What was the GPPC responsible for
24 or what did it do?

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1 A. It was created to oversee policy
2 development for state, federal policy
3 development for the association.
4 Q. Did you hold any leadership
5 positions in that council?
6 A. Yes.
7 Q. What are those?
8 A. I chaired that committee.
9 Q. Do you recall when?
10 A. My -- I would estimate 2012 to
11 2016.
12 Q. Do you recall who the other
13 members of the GPPC were?
14 A. Cardinal, McKesson, H.D. Smith,
15 just any of the major distributors who wanted to
16 participate. I think everybody was invited to.
17 Q. Was there a person from Cardinal
18 Health who you interacted with on the GPPC?
19 A. Well, Connie Woodburn and then
20 Sean Callinicos.
21 Q. How about McKesson, is there
22 somebody at McKesson you interacted with on the
23 GPPC?
24 A. So Ann Berkey and then Pete

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1 Slone.
2 Q. Can you spell Amber's last name?
3 A. Ann Berkey.
4 Q. Oh, I'm sorry, I misheard you
5 say, Ann Berkey?
6 A. Yes.
7 Q. Can you spell her last name?
8 A. B-e-r-k-e-y.
9 Q. And then after that it was Pete
10 Slone?
11 A. Yes.
12 Q. Do you recall working on a group
13 called the Ohio Tax Group?
14 A. No.
15 Q. Do you recall working on the PAC
16 Advisory Group for the HDA?
17 A. Yes.
18 Q. When did you work on that group?
19 A. Since approximately 2012.
20 Q. Did you ever hold any leadership
21 positions in the PAC Advisory Group?
22 A. No.
23 Q. Do you know if Cardinal and
24 McKesson participated in the PAC Advisory Group?

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1 A. Yes.
2 Q. Who did you interact with from
3 Cardinal on the PAC Advisory Group?
4 A. Connie Woodburn and then Sean
5 Callinicos.
6 Q. How about McKesson, did McKesson
7 participate in the PAC Advisory Group?
8 A. Yes.
9 Q. Who did you interact with from
10 McKesson on there?
11 A. Ann Berkey and then Pete Slone.
12 Q. Do you recall participating in a
13 group called the PCC Coordinating Committee?
14 A. No, but the GPPC has become the
15 PPC, so I don't know what the coordinating
16 committee is. I would only recognize the PPC.
17 Q. Is PPC Public Policy Council?
18 A. Yes.
19 Q. And that's the group that became
20 the GPPC?
21 A. It started as the GPPC, and now
22 it's the PPC.
23 Q. So when we talked earlier about
24 the GPPC and you talked about your work there,

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1 would you give me the same answers about the
2 Public Policy Council in terms of --
3 A. Yes.
4 Q. -- in terms of duration and the
5 role that you held?
6 A. Yes.
7 Q. Okay. And the same would be true
8 for your interaction with Cardinal and McKesson
9 on that?
10 A. Yes.
11 Q. Okay, that's great. We can cut
12 that out.
13 How about do you recall working
14 on a Prescription Drug Abuse Strategy Group with
15 the HDA?
16 A. No.
17 Q. How about the Reimbursement Task
18 Force, do you recall working with that group?
19 A. Yes.
20 Q. What's the Reimbursement Task
21 Force?
22 A. It's basically they're a
23 committee that focuses on Medicare and Medicaid
24 policies, similar to what I've mentioned earlier

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1 about preparing comments on regulations and
2 policy positions on legislation that involves
3 Medicare and Medicaid reimbursement for our
4 customers.
5 Q. How about the Specialty and
6 Biotech Distributors Council, do you recall
7 working with that group?
8 A. Yes.
9 Q. What do they do?
10 A. They are no longer in existence,
11 but that's been a coalition that was in
12 existence when I joined the company in 2004, and
13 they focused on specialty distribution versus
14 traditional retail distribution.
15 Q. What's the difference between
16 specialty distribution and traditional retail
17 distribution?
18 A. It's hard to explain and I think
19 it's changed over the years, but at that time it
20 was basically injectable products or products
21 that would be administered by a physician versus
22 pills.
23 Q. How about the State Government
24 Affairs Committee, do you recall working on that

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1 committee?
2 A. Yes.
3 Q. During what time periods did you
4 work with that group?
5 A. Since 2004.
6 Q. Did you ever hold any leadership
7 positions on the State Government Affairs
8 Committee?
9 A. No.
10 Q. Did you interact with Cardinal
11 Health on the State Government Affairs
12 Committee?
13 A. Yes.
14 Q. Who did you interact with?
15 A. Connie Woodburn and Sean
16 Callinicos.
17 Q. Did you interact with McKesson on
18 the State Government Affairs Committee?
19 A. Yes.
20 Q. Who did you interact with there?
21 A. Ann Berkey and Pete Slone.
22 Q. Anyone else?
23 A. No.
24 Q. Did you ever work with a

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1 committee called the Regulatory Affairs
2 Committee?
3 A. No.
4 Q. How about the Tax Task Force?
5 A. Yes.
6 Q. What was the Tax Task Force?
7 A. It's like a committee that they
8 have where any member can participate and we
9 discuss tax legislation or tax policies that may
10 be under development.
11 MR. CLUFF: All right. Let's
12 take a break.
13 THE VIDEOGRAPHER: Going off the
14 record at 10:53 a.m.
15 (Brief recess.)
16 THE VIDEOGRAPHER: We are back on
17 the record at 11:10 a.m.
18 BY MR. CLUFF:
19 Q. Good morning, Ms. Norton.
20 A. Good morning.
21 Q. Are you all situated with your
22 microphone?
23 A. I'm not sure.
24 Q. Maybe the other side is better.

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1 MR. CLUFF: Switch to back on the
2 record?
3 THE VIDEOGRAPHER: We're on the
4 record.
5 BY MR. CLUFF:
6 Q. We're back on the record, which
7 means that you're back under oath.
8 Do you understand that?
9 A. Yes.
10 Q. Okay, great.
11 When we broke we had just
12 finished going through some councils and
13 committees and task forces of the HDA. We
14 reviewed a list of them.
15 I don't expect you to remember
16 every single one we discussed, but are there any
17 other task forces, councils, committees or
18 working groups of the HDA that you recall
19 working on?
20 A. No.
21 Q. I want to talk about how
22 frequently that you or AmerisourceBergen
23 participated in some of these trade
24 associations. So I want to start with the

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1 NACDS. I think that stands for National
 2 Association of Chain Drug Stores, right?
 3 A. (Witness shakes head.)
 4 Q. Did you personally participate in
 5 any activities of the NACDS?
 6 A. Not usually. I oversee that, so
 7 I don't typically participate in their regular
 8 scheduled calls.
 9 Q. How often do they have regularly
 10 scheduled calls?
 11 A. Weekly.
 12 Q. And does AmerisourceBergen
 13 generally have somebody participate in the
 14 regularly scheduled calls --
 15 A. Yes.
 16 Q. -- of the NACDS?
 17 A. Yes.
 18 Q. And who would that be?
 19 A. Beth Mitchell and Stacie Heller.
 20 Q. I believe you also testified that
 21 AmerisourceBergen holds a board position at the
 22 NACDS; is that right?
 23 A. Yes.
 24 Q. Do you know how often the board

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1 meets?
 2 A. No.
 3 Q. When the board does have
 4 meetings, does AmerisourceBergen's
 5 representative attend those meetings?
 6 A. Yes.
 7 Q. You testified that
 8 AmerisourceBergen participates on the policy
 9 committee of the NACDS as well.
 10 Do you know if that committee had
 11 regularly scheduled calls or meetings?
 12 A. Yes.
 13 Q. How often were those?
 14 A. Weekly.
 15 Q. And did somebody from
 16 AmerisourceBergen participate in those calls,
 17 generally?
 18 A. Yes.
 19 Q. Are those calls different than
 20 the calls you described earlier, the regularly
 21 scheduled calls?
 22 A. No.
 23 Q. I believe you also testified that
 24 the NACDS has a Government Affairs Committee or

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1 council; is that right?
 2 A. Yes.
 3 Q. Did that council have regularly
 4 scheduled calls?
 5 A. Yes.
 6 Q. How often did those occur?
 7 A. Weekly.
 8 Q. Did somebody from
 9 AmerisourceBergen participate in those as well?
 10 A. Yes.
 11 Q. Were those different than the
 12 Policy Committee calls?
 13 A. No.
 14 Q. So the NACDS had a weekly call
 15 that covered government affairs and policy
 16 committee issues all in one?
 17 A. They have separate calls, but
 18 they're weekly. Both groups meet weekly and we
 19 have the same people on both of those
 20 committees.
 21 Q. So there would be two separate
 22 calls for the NACDS on a weekly basis?
 23 A. I believe they meet weekly, both
 24 of them.

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1 Q. Did you ever participate in calls
 2 of the Government Affairs or Public Policy
 3 Committee?
 4 A. Just a few times.
 5 Q. Somebody that you oversee would
 6 have participated then?
 7 A. Yes.
 8 Q. So, generally, AmerisourceBergen
 9 is participating in two weekly calls of the
 10 NACDS a week?
 11 A. Yes.
 12 Q. Does somebody from McKesson
 13 participate in those weekly calls?
 14 A. I -- I believe so. I don't know.
 15 Q. Do you have reason to believe
 16 that somebody from McKesson participates in
 17 those calls?
 18 MR. NICHOLAS: Object to the
 19 form.
 20 THE WITNESS: Yes.
 21 BY MR. CLUFF:
 22 Q. How about Cardinal Health, do you
 23 know if Cardinal Health participates in those
 24 weekly calls of the NACDS?

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1 A. I don't know, but I think so.
2 Q. You earlier described another
3 trade organization called the NCPA. Is that the
4 National Chain Pharmacy Association?
5 A. No, that's the National Community
6 Pharmacists Association.
7 Q. Thank you for the clarification.
8 Does that organization have
9 meetings or phone calls?
10 A. I don't know. Yes.
11 Q. Okay. Is it meetings or phone
12 calls?
13 A. Phone calls.
14 Q. Do you know how often those phone
15 calls occur?
16 A. No.
17 Q. Do you know how long those calls
18 are, ballpark?
19 A. No.
20 Q. Going back to the NACDS calls we
21 discussed, do you have an estimate on how long
22 those calls are, the weekly calls?
23 A. One hour.
24 Q. You also testified that

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1 AmerisourceBergen participates in a group called
2 the SCPC?
3 A. Yes.
4 Q. Does that group have weekly phone
5 calls?
6 A. Every other week.
7 Q. Do you recall the or could you
8 approximate the duration of those calls?
9 A. One hour.
10 Q. Do you know if anybody from
11 Cardinal Health participates in the calls of the
12 SCPC?
13 A. No.
14 Q. How about anybody from McKesson?
15 A. I don't know.
16 Q. You also referred to
17 AmerisourceBergen participating in the COA or
18 the Community Oncology Association?
19 A. Yes.
20 Q. Do you know if that organization
21 has regularly scheduled calls?
22 A. No.
23 Q. Does it have any regularly
24 scheduled meetings?

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1 A. They don't have committee
2 meetings, government affairs committee meetings
3 like the other organizations. They just have --
4 they have one-hour sort of update government
5 affairs or legislative calls like quarterly.
6 Q. Did AmerisourceBergen participate
7 in those quarterly update calls?
8 A. Yes.
9 Q. Do you know if anybody from
10 Cardinal Health or McKesson participated in
11 those calls?
12 A. McKesson does. I don't know
13 about Cardinal.
14 Q. You talked about the Healthcare
15 Leadership Council?
16 A. Yes.
17 Q. Do you know if anybody from
18 AmerisourceBergen participates in meetings of
19 the Healthcare Leadership Council?
20 A. Yes.
21 Q. Do you know who?
22 A. Stacie Heller.
23 Q. I believe you testified that
24 Stacie Heller participates in the Healthcare

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1 Leadership Council on a task force or task
2 forces?
3 A. Yes.
4 Q. Do you also participate in task
5 forces of the Healthcare Leadership Council?
6 A. No.
7 Q. What task forces does Stacie work
8 on?
9 A. I don't remember the names of
10 their task force. One is on the uninsured and
11 one is on healthcare quality, that's all I know.
12 They also have a policy committee
13 that meets every other -- or a legislative -- I
14 can't remember what they call it, something like
15 that, every other week, and she participates in
16 those.
17 Q. Aside from the policy committee
18 calls or meetings that Ms. Heller attends every
19 other week, do you know if anybody from
20 AmerisourceBergen attends other meetings of the
21 healthcare leadership council?
22 A. No.
23 Q. How about any of their phone
24 calls?

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1 A. No. I mean, other members
 2 might -- we fill in for each other in our
 3 Washington office, but that's it.
 4 Q. You mean other members of
 5 AmerisourceBergen?
 6 A. If somebody -- if Stacie can't be
 7 on, somebody might fill in for her.
 8 Q. I think you mentioned that Steve
 9 Collis holds a board position with the
 10 Healthcare Leadership Council; is that right?
 11 A. Yes.
 12 Q. Do you know if he attends Board
 13 of Directors meetings?
 14 A. When he can.
 15 Q. Do you know how often those are
 16 held?
 17 A. Three times a year.
 18 Q. Do you have an approximation of
 19 how often he is able to attend?
 20 A. Once or twice a year.
 21 Q. Do you know if Cardinal Health
 22 holds a Board of Directors position on the
 23 Healthcare Leadership Council?
 24 A. No. They did.

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1 Q. At what time period did they hold
 2 that position?
 3 A. 2015 to 2017.
 4 Q. Do you know if their board member
 5 attended Board of Directors meetings?
 6 A. Yes.
 7 Q. Do you know who their Board of
 8 Directors member was?
 9 A. George Barret.
 10 Q. Do you know if McKesson has ever
 11 held a board position on the Healthcare
 12 Leadership Council?
 13 A. Yes.
 14 Q. Do you know how long they held
 15 that position?
 16 A. Approximately two years.
 17 Q. So since 2016?
 18 A. No, it was before. So it would
 19 have been 2013 to 2015, I guess, approximately.
 20 Q. Do you know if McKesson's board
 21 member with the Healthcare Leadership Council
 22 have attended board meetings?
 23 A. Yes.
 24 Q. Do you know who their Board of

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1 Directors representative was?
 2 A. John Hammergren.
 3 Q. Can you spell the last name?
 4 A. H-a-m-m-e-r-g-r-e-n.
 5 Q. Do you know if any pharmaceutical
 6 manufacturers held board of director's positions
 7 in the Healthcare Leadership Council?
 8 A. I don't -- I don't know.
 9 Q. How about any pharmacies, like
 10 chain pharmacies?
 11 A. I don't know.
 12 Q. Turning to the HDA now, I know
 13 that AmerisourceBergen's overall involvement in
 14 HDA is probably larger than you may know about,
 15 so I'm just going to confine it to your work in
 16 the government affairs and public policy group.
 17 Do you know how frequently your
 18 staff in the government affairs and public
 19 policy group attend HDA meetings?
 20 MR. NICHOLAS: Object to the form
 21 of the question, particularly the
 22 characterization at the beginning of the
 23 question.
 24 Go ahead. You can answer.

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1 THE WITNESS: They're usually
 2 phone calls, and some are weekly, some
 3 are monthly.
 4 BY MR. CLUFF:
 5 Q. What are some of the weekly calls
 6 that your staff participate in with the HDA?
 7 A. The Federal Government Affairs
 8 Committee and the State Government Affairs
 9 Committee.
 10 Q. Are those calls held separately?
 11 A. Yes.
 12 Q. So between the Federal Government
 13 Affairs Committee and the State Government
 14 Affairs Committee, people that you work with at
 15 AmerisourceBergen are in at least two HDA calls
 16 a week, correct?
 17 A. Yes. I mean, there are times
 18 where there's -- when Congress isn't in session
 19 they might lapse, but, generally, it's once a
 20 week.
 21 Q. Are there any other weekly calls
 22 that you can remember?
 23 A. No.
 24 Q. How about the Public Policy

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1 Council or the GPPC?

2 A. Three times a year -- or, wait,

3 two times a year. Two times a year.

4 Q. Were there ever instances where

5 meetings were held of the PPC or the GPPC aside

6 from the two regularly scheduled calls?

7 A. No. Those are meetings.

8 Q. Did the PPC or GPPC ever have

9 calls aside from the meetings?

10 A. No.

11 Q. Going back to the FGAC and the --

12 or excuse me -- the Federal Government Affairs

13 Committee and State Government Affairs

14 Committee, do you recall how long those meetings

15 would last?

16 A. One hour.

17 Q. Do you recall if representatives

18 from McKesson and Cardinal Health were generally

19 present for the Federal Government Affairs

20 Committee calls?

21 A. Yes.

22 Q. Do you recall if Cardinal Health

23 representatives were generally present for the

24 calls from the Federal Government Affairs

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1 Committee?

2 A. Yes.

3 Q. How about the State Government

4 Affairs Committee were representatives of

5 McKesson generally present for those?

6 A. Yes.

7 Q. And the same question for

8 Cardinal?

9 A. Yes.

10 Q. Aside from the weekly calls, were

11 there ever meetings of the Federal Government

12 Affairs Committee?

13 A. Rarely. Maybe once a year.

14 Q. Would somebody from

15 AmerisourceBergen have attended that meeting?

16 A. Yes.

17 Q. How about McKesson, would someone

18 from McKesson have been present at that meeting?

19 A. Yes.

20 Q. How about Cardinal Health?

21 A. Yes.

22 Q. Were there ever meetings aside

23 from the weekly calls of the State Government

24 Affairs Committee?

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1 A. No. I think they have a once

2 annual in person, the state, but I'm not

3 positive. I have never participated in that.

4 Q. Does somebody from

5 AmerisourceBergen participate in a meeting like

6 that if it happened?

7 A. Yes.

8 Q. Who would that have been?

9 A. Either John Benske or Pete Stokes

10 or their predecessor. We had one position,

11 Juliette.

12 Q. I'm going to go through this list

13 again of the involvement you may have had with

14 the HDA, just to see if you recall any meetings

15 of these groups.

16 We talked earlier about the

17 Controlled Substances Abuse Task Force. Is

18 that -- I believe you said you did not recall

19 that task force.

20 Do you recall any meetings of

21 that task force, if they ever occurred?

22 A. No.

23 Q. How about the PAC Advisory Group,

24 do you recall any meetings of the PAC Advisory

Page 93

1 Group?

2 A. Yes.

3 Q. Okay. What kind of meetings do

4 you recall of the PAC Advisory Group?

5 A. They have one annual meeting.

6 It's a call.

7 Q. Are there any meetings or calls

8 besides that one annual?

9 A. I don't think so.

10 Q. Do you recall if representatives

11 from McKesson were present for the annual call

12 of the PAC?

13 A. Yes.

14 Q. How about from Cardinal Health?

15 A. Yes.

16 Q. Do you know who those were?

17 A. Pete Slone from McKesson, Sean

18 Callinicos from Cardinal.

19 Q. It seems like your work in the

20 HDA overlapped significantly with the work of

21 Sean Callinicos from Cardinal Health; is that

22 right?

23 MR. NICHOLAS: Object to the

24 form.

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1 THE WITNESS: I don't understand
2 the question.
3 BY MR. CLUFF:
4 Q. Is there some portion of my
5 question you didn't understand, so I can -- so I
6 can help rephrase it, just so I can help
7 clarify?
8 A. Overlapped, I don't understand
9 that word.
10 Q. Okay. It seems like you worked
11 pretty closely with Sean in your work with the
12 HDA?
13 A. He's my counterpart, so we attend
14 the same meetings usually, but I don't know that
15 overlapped would characterize it.
16 Q. Did you have a close working
17 relationship with Sean?
18 MR. NICHOLAS: Object to the
19 form.
20 Sorry, go ahead.
21 THE WITNESS: Business
22 relationship.
23 BY MR. CLUFF:
24 Q. Did you guys e-mail or talk on

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1 the phone frequently?
2 A. Not frequently. I'd say couple
3 times a month.
4 Q. And the couple times a month you
5 did talk, would that be by e-mail or phone
6 predominantly?
7 A. Phone.
8 Q. Did you ever share any
9 information with Sean that would have benefited
10 Cardinal Health?
11 MR. NICHOLAS: Object to the
12 form.
13 THE WITNESS: Benefited? What do
14 you mean? I don't understand.
15 BY MR. CLUFF:
16 Q. Did you ever share any
17 information with Sean that you thought would
18 have been helpful to his work at Cardinal
19 Health?
20 A. No.
21 Q. Do you recall if Sean ever shared
22 information with you that would have helped your
23 work at AmerisourceBergen?
24 A. No.

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1 Q. Do you know if he ever did share
2 information with you that would have helped your
3 work at AmerisourceBergen?
4 A. No.
5 Q. Are you telling me that that
6 never happened or that you don't recall it?
7 A. We shared information about
8 government relations or government affairs type
9 activities, hearings, what's going on on the
10 hill, but not anything related to our companies.
11 Q. Do you recall if Sean ever shared
12 anything that he thought would be helpful for
13 AmerisourceBergen's CEO?
14 MR. NICHOLAS: Object to the
15 form.
16 THE WITNESS: No.
17 BY MR. CLUFF:
18 Q. Are you telling me that that
19 didn't happen or that you don't recall it?
20 A. It didn't happen.
21 Q. I believe another person that you
22 identified as attending HDA meetings with you
23 from Cardinal was Connie Woodburn; is that
24 right?

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1 A. Yes.
2 Q. Did you -- did you develop a
3 working relationship with Ms. Woodburn?
4 A. Yes.
5 Q. Did you guys communicate by phone
6 and by e-mail?
7 A. Phone.
8 Q. How often would you communicate
9 with Ms. Woodburn by phone?
10 A. A couple times a year.
11 Q. Is there a reason that you spoke
12 with Ms. Woodburn less frequently than Sean?
13 A. No.
14 Q. Do you recall ever sharing
15 information with Ms. Woodburn that would have
16 been helpful for her work at Cardinal Health?
17 A. Only as it relates to legislative
18 activity, government affairs.
19 Q. How about do you recall
20 Ms. Woodburn ever sharing information that was
21 helpful to you in your work at
22 AmerisourceBergen?
23 MR. NICHOLAS: Object to the
24 form.

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1 THE WITNESS: No.
2 BY MR. CLUFF:
3 Q. I think you previously talked
4 about working with a woman named Ann Berkey from
5 McKesson in the HDA.
6 Do you recall that?
7 A. Yes.
8 Q. Do you recall developing a
9 working relationship with Ms. Berkey?
10 A. Yes.
11 Q. Did you communicate with her?
12 A. Yes.
13 Q. How often would you communicate
14 with Ms. Berkey?
15 A. Two or three times a year.
16 Q. Did you guys communicate or did
17 you -- could you communicate with Ms. Berkey by
18 e-mail or by phone?
19 A. Phone.
20 Q. How about Pete Slone, do you
21 recall developing a working relationship with
22 Mr. Slone?
23 A. Yes.
24 Q. And how often did you communicate

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1 with Mr. Slone?
2 A. Once a month.
3 Q. Did you communicate with
4 Mr. Slone by e-mail or by phone?
5 A. Both.
6 Q. Is there a reason that you spoke
7 with Mr. Slone less frequently than
8 Mr. Callinicos?
9 A. No, and I probably talked to them
10 approximately the same. I knew both of them
11 before they came to Cardinal McKesson, so I have
12 more of a -- I know them better than I knew
13 their predecessors.
14 Q. How did you know both of them
15 before they came to Cardinal and McKesson?
16 A. Because Sean worked for Sanofi,
17 and so I've known him in that capacity in
18 Washington, and Pete worked for a device company
19 so they were in DC and Ann and Connie were --
20 did not live in DC, so they weren't here very
21 much.
22 Q. Do you know the name Gary
23 Hillard?
24 A. No.

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1 Q. You never worked with Mr. Hillard
2 before?
3 MR. NICHOLAS: Well, object to
4 the form, if she doesn't know the name.
5 THE WITNESS: I don't know.
6 BY MR. CLUFF:
7 Q. Did you ever work with any
8 government affairs employees of pharmaceutical
9 manufacturers?
10 A. Did I ever work for, you mean --
11 Q. Work with.
12 A. Yes.
13 Q. Who would that be?
14 A. Before I came to
15 AmerisourceBergen, I worked for two
16 manufacturers.
17 Q. Let me clarify. That was not a
18 great question, based on your answer.
19 In your work at
20 AmerisourceBergen, did you ever work with
21 government affairs employees from any
22 pharmaceutical manufacturer?
23 A. Yes.
24 Q. Who would that be?

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1 A. David Burt from Genentech.
2 Q. Can you spell that last name?
3 A. B-u-r-t.
4 Jesse Kerns from Amgen. I can't
5 remember everybody's name, but they participate
6 in the -- in a -- I don't know -- a physician
7 coalition.
8 Q. What's that physician coalition?
9 A. This is the COA.
10 Q. The Community Oncology
11 Association?
12 A. Alliance or -- something like
13 that. I don't know if it's association or
14 alliance.
15 Q. But that's the entity you
16 referenced earlier that is abbreviated COA?
17 A. Yes.
18 Q. Did you ever work with any
19 government affairs people from Purdue?
20 A. No.
21 Q. Do you know the name Burt Rosen?
22 A. Yes.
23 Q. You ever worked with Burt Rosen?
24 A. Well, I've known Burt since when

<p style="text-align: right;">Page 102</p> <p>1 I was in the pharmaceutical industry and he was 2 in the pharmaceutical industry. 3 Q. So have you ever worked with 4 Mr. Rosen? 5 A. I have -- 6 MR. NICHOLAS: I object to the 7 form. If you could just -- ever or just 8 so we don't have the same thing with the 9 last. 10 BY MR. CLUFF: 11 Q. Have you worked with Mr. Rosen 12 since you've been employed by AmerisourceBergen? 13 A. No. 14 Q. Have you ever exchanged 15 correspondence with Mr. Rosen since you've been 16 employed at AmerisourceBergen? 17 A. Yes. 18 Q. In what capacity would you have 19 exchanged correspondence with Mr. Rosen? 20 A. He e-mailed me about the Pain 21 Coalition several years ago, and we talked about 22 it, but that's about it. 23 Q. Do you recall if he initiated 24 that correspondence or if you initiated that</p>	<p style="text-align: right;">Page 104</p> <p>1 AmerisourceBergen. 2 A. Yes, Rob Falb. 3 Q. Can you spell that last name? 4 A. F-a-l-b. And Debra -- I'm 5 blanking on her last name. She used to be my 6 counterpart there. 7 Q. Do you recall what the substance 8 of those communications were? 9 A. They used to hold a charitable 10 dinner that we participated in. 11 Q. Do you recall when that would 12 have been? 13 A. Probably 2007 to -- annually, 14 2015. 15 Q. How about Mallinckrodt, have you 16 ever communicated after you started working at 17 AmerisourceBergen with anybody from government 18 affairs office at Mallinckrodt? 19 A. Yes. 20 Q. Who would that be? 21 A. I can't remember the name right 22 now. I can't remember her name. 23 Q. Do you recall what the substance 24 of that communication might have been?</p>
<p style="text-align: right;">Page 103</p> <p>1 correspondence? 2 A. He initiated that. 3 Q. What was the purpose of his 4 correspondence with you? 5 MR. NICHOLAS: Object to the 6 form. 7 THE WITNESS: Just to see if we 8 were interested in participating. 9 BY MR. CLUFF: 10 Q. And when you say "we," you mean 11 AmerisourceBergen? 12 A. Yes, AmerisourceBergen. 13 Q. And you specifically recall 14 receiving and corresponding with Mr. Rosen about 15 the Pain Care Coalition? 16 A. That's the only official 17 communication I've had with him since I've been 18 at AmerisourceBergen. 19 Q. How about Teva Pharmaceuticals or 20 Teva Pharmaceuticals, have you communicated with 21 anybody from Teva? 22 A. Yes. 23 Q. Okay. Who was that? And I'll 24 clarify it, after you started working for</p>	<p style="text-align: right;">Page 105</p> <p>1 A. We talked about the opioid 2 legislation that passed Congress last year, the 3 CARA and CARA 2.0. Actually, we talked about 4 CARA 2.0. Erika Long. 5 Q. What does CARA 2.0 stand for? 6 A. The -- I can't remember. CARA 7 was a comprehensive legislation to help -- to 8 help solve the opioid crisis. 9 Q. Is CARA 2.0 something that 10 AmerisourceBergen was lobbying in favor of? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: No. I mean, we 14 weren't lobbying on that issue 15 specifically. We weren't lobbying on 16 that bill specifically, but we supported 17 it, but we were not -- if asked, but we 18 were not lobbying on that bill. 19 BY MR. CLUFF: 20 Q. Do you recall why you were 21 communicating with Mallinckrodt about that bill? 22 A. Yes, we were working with them on 23 some provisions to improve the DEA's use of 24 ARCOS data to help provide more transparency.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. Is that also referred to as the 2 DEA clearinghouse? 3 A. Yes. 4 Q. Is the DEA clearinghouse 5 something that AmerisourceBergen was lobbying in 6 favor of? 7 A. Yes. 8 MR. NICHOLAS: I was going to 9 object to the form, but you've already 10 answered the question, but I'll 11 interpose my belated objection. 12 It's okay. Go ahead. 13 BY MR. CLUFF: 14 Q. Try to give your counsel a 15 chance. 16 A. I will. 17 Q. Do you recall who Amerisource -- 18 did AmerisourceBergen work with any other 19 manufacturers or distributors in favor of the 20 clearinghouse? 21 A. No. 22 Q. Just for clarity, are you telling 23 me that you don't recall or that 24 AmerisourceBergen did not work with anyone else?</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Yes. 2 Q. Do you know the manufacturer 3 Janssen? 4 A. Yes. 5 Q. Have you worked since you joined 6 AmerisourceBergen with anybody from government 7 affairs from either of those manufacturers? 8 A. Yes. 9 Q. Which one? 10 A. Johnson & Johnson. 11 Q. Who did you work with from 12 Johnson & Johnson? 13 A. Mark Reese. 14 Q. Can you spell that last name? 15 A. R-e-e-s-e. 16 Q. And in what capacity did you work 17 with Mark Reese? 18 A. Physician reimbursement issues. 19 Q. Do you recall when that was? 20 A. From 2006 to 2017. 21 Q. So it sounds like an ongoing 22 relationship on that issue? 23 A. He retired. Yes. 24 Q. I want to talk about some</p>
<p style="text-align: right;">Page 107</p> <p>1 A. I don't know. 2 Q. Have you heard of the 3 Anti-Diversion Industry Working Group? 4 A. No. 5 Q. Aside from the DEA clearinghouse, 6 was there anything else that AmerisourceBergen 7 was working with Mallinckrodt on? 8 A. No. 9 Q. Do you know the manufacturer 10 Actavis? 11 A. I know who they are. 12 Q. Have you worked with anybody 13 since you joined AmerisourceBergen from the 14 government affairs office of Actavis? 15 A. No. 16 Q. How about Allergan, do you know 17 that manufacturer? 18 A. Yes. 19 Q. Since joining AmerisourceBergen 20 have you worked with anybody from government 21 affairs at Allergan? 22 A. No. 23 Q. Do you know the manufacturer 24 Johnson & Johnson?</p>	<p style="text-align: right;">Page 109</p> <p>1 pharmacies for a minute, and it's going to be a 2 similar line of questioning that we did with the 3 manufacturers, just to understand the scope of 4 the world, I guess. 5 Did you, after you joined 6 AmerisourceBergen, work with anyone in the 7 regulatory affairs -- or excuse me -- government 8 affairs office at Rite Aid? 9 A. Yes. 10 Q. Who would that have been? Does 11 the name Yong Choe ring any bells? 12 A. Yes, Yong Choe. 13 Q. When did you start working with 14 Mr. Choe? 15 A. Well, I worked with him before he 16 went to Rite Aid, so he worked on the hill, so 17 since 2008. 18 Q. Do you recall in what capacity 19 you worked with Mr. Choe before he joined Rite 20 Aid? 21 A. He was a congressional staffer 22 working on pharmacy and healthcare issues. 23 Q. Did Mr. Choe also work at the 24 NACDS?</p>

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1 A. I don't know.
2 Q. After Mr. Choe joined Rite Aid,
3 what did you work with him on?
4 A. Pharmacy reimbursement issues.
5 Q. Do you recall anything more
6 specific than that?
7 A. Provider status.
8 Q. What does that mean?
9 A. That's legislation to recognize
10 and reimburse pharmacists for services that they
11 can do on behalf of physicians in areas where
12 there's not enough physicians available.
13 Q. Did you e-mail or have phone
14 calls with Mr. Choe?
15 A. Yes.
16 Q. Do you recall how frequently that
17 was?
18 A. Once or twice a month.
19 Q. After you joined
20 AmerisourceBergen, did you work with anybody
21 from the government affairs office at Walgreens?
22 A. Yes.
23 Q. Who would that have been?
24 A. First Debby Garza and then Ed

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1 Kaleta, now Ed Kaleta.
2 Q. When would you have worked with
3 Ms. Garcia -- or Garza, excuse me?
4 A. Since 2004 to -- I think she left
5 in 2015.
6 Q. And would you have worked with
7 Mr. Kaleta from 2015 to the present?
8 A. Yes.
9 Q. Do you recall what issues or
10 anything that you would have worked with
11 Ms. Garza about between 2004 and 2015?
12 A. Just pharmacy, general pharmacy
13 issues.
14 Q. How about Mr. Kaleta, do you
15 recall anything that you would have worked with
16 Mr. Kaleta on?
17 A. Pharmacy issues and we have been
18 working together on controlled substance
19 disposal issues.
20 Q. What does that mean?
21 A. Well, it's not really issues.
22 Walgreens has the kiosks in their -- in their
23 stories so people can dispose of their unused
24 pharmaceuticals, and we've worked together on

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1 some congressional events.
2 Q. So -- sorry, I didn't mean to
3 interrupt you.
4 A. That's it.
5 Q. So was AmerisourceBergen
6 coordinating with Walgreens on this controlled
7 substance disposal program?
8 A. Yes.
9 Q. Did you ever discuss making
10 campaign contributions with anybody from
11 Walgreens?
12 A. We discussed fundraisers.
13 Q. What fundraisers did you discuss?
14 A. I don't remember.
15 Q. Are fundraisers different than
16 campaign contributions?
17 A. Fundraisers are events where the
18 participants will provide PAC contribution or a
19 person contribution.
20 Q. Do you recall if Walgreens ever
21 asked AmerisourceBergen to make campaign
22 contributions to any specific candidates?
23 A. No.
24 Q. Are you aware that Walgreens is

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1 one of AmerisourceBergen's customers?
2 A. Yes.
3 Q. And they're also a large
4 stockholder of AmerisourceBergen as well?
5 A. Yes.
6 Q. Are you aware that Walgreens
7 holds a board position --
8 A. Yes.
9 Q. -- at AmerisourceBergen?
10 A. Yes.
11 Q. Sorry. I paused during my
12 question. My fault.
13 As a government affairs person,
14 is it part of your job responsibilities to be
15 aware of the laws and statutes governing
16 campaign contributions?
17 A. Yes.
18 Q. Is there any prohibition for
19 making campaign contributions in the name of
20 another person?
21 MR. NICHOLAS: Object to the
22 form.
23 THE WITNESS: I don't know. I
24 don't understand the question.

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1 BY MR. CLUFF:
2 Q. What about CVS, after you joined
3 AmerisourceBergen, did you work with anybody
4 from CVS?
5 A. Yes.
6 Q. Who would that have been?
7 A. Melissa Schulman.
8 Q. Can you spell her last name?
9 A. S-c-h-u-l-m-a-n.
10 Q. When would you have worked with
11 Ms. Schulman?
12 A. Approximately 2014 until now.
13 Q. Do you recall what issues you
14 might have worked with Ms. Schulman on?
15 A. No, just general pharmacy
16 related.
17 Q. Before you began working with
18 Ms. Schulman in 2014, was there another person
19 at CVS that you worked with?
20 A. I don't remember.
21 Q. After you joined
22 AmerisourceBergen, did you work with anybody
23 from government affairs at Walmart?
24 A. No.

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1 Q. Going back to CVS for a second,
2 with Ms. Schulman, did you communicate with her
3 by e-mail or telephone?
4 A. Telephone.
5 Q. Do you recall how frequently?
6 A. Rarely. Maybe once or twice.
7 Q. Do you know the pharmacy chain
8 Discount Drug Mart?
9 A. No.
10 Q. I'm guessing then that you never
11 communicated, after you joined
12 AmerisourceBergen, with anybody in their
13 government affairs office?
14 A. No.
15 Q. That's easy.
16 I want to go back to Walgreens
17 for a second.
18 Ed Kaleta was one of the people
19 that you communicated with at Walgreens,
20 correct?
21 A. Yes.
22 Q. Do you recall exchanging
23 correspondence with Ms. Kaleta -- or excuse
24 me -- Mr. Kaleta?

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1 A. Yes.
2 Q. Do you recall exchanging
3 correspondence with Mr. Kaleta in 2018?
4 A. Not specifically.
5 Q. I think you mentioned fundraisers
6 that you discussed with the government affairs
7 people from Walgreens; is that correct?
8 A. Yes.
9 Q. Do you recall that Walgreens
10 hosted a McCarthy fundraiser in 2018?
11 A. I don't recall.
12 Q. Do you recall if Mr. Kaleta ever
13 asked you if AmerisourceBergen had money left
14 for McCarthy?
15 A. I don't recall.
16 Q. Let's look at a document then.
17 I'm going to hand you a copy of WAGMDL00646203.
18 MR. CLUFF: I'll note for the
19 record that Ms. Norton is a recipient
20 and author of every e-mail in this
21 chain, and, therefore, we are permitted
22 to use it with her during the deposition
23 pursuant to the Protective Order in
24 place.

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1 This copy is yours. You'll see
2 at the bottom it's marked Exhibit 1.
3 (Document marked for
4 identification as Norton Deposition
5 Exhibit No. 1.)
6 BY MR. CLUFF:
7 Q. Go ahead and take a second to
8 look at, Ms. Norton.
9 MR. MAHADY: Sterling, just so
10 the record is clear, I think she's a
11 recipient or author. I believe you said
12 recipient and author.
13 MR. CLUFF: Yes, recipient or
14 author. Thanks for the correction, Joe.
15 (Witness reviews document.)
16 BY MR. CLUFF:
17 Q. It's a pretty short document,
18 Ms. Norton. If you look at the second page of
19 the document, there's a subject that says
20 "Walgreens Hosted McCarthy Fundraiser."
21 Do you see that?
22 A. Yes.
23 MR. NICHOLAS: Could you just --
24 this is all fine. I just want to make

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1 sure she has the opportunity to read the
2 document.
3 MR. CLUFF: Yeah, I'm not going
4 to try to ask her questions about stuff
5 that I haven't directed her to.
6 MR. NICHOLAS: No, I know, but
7 she probably wants to look at the whole
8 thing.
9 (Witness reviews document.)
10 BY MR. CLUFF:
11 Q. Have you had a chance to review
12 the document?
13 A. Yes.
14 Q. Okay. Let's start on the second
15 page. You'll note down at the bottom that the
16 Bates number ends in 646204.
17 Do you see that?
18 A. Yes.
19 Q. During the day we might talk
20 about documents that are slightly more
21 complicated than this one, so I'll try to use
22 the Bates number at the bottom to help us all
23 get on the same page.
24 A. Okay.

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1 Q. So you see the subject here is
2 "Walgreens Hosted McCarthy Fundraiser."
3 Do you see that?
4 A. Yes.
5 Q. And if you turn to the first
6 page, which ends in 646203, in the middle of the
7 page there is an e-mail from Ed -- is it Kaleta?
8 A. Kaleta.
9 Q. And he sends it to you and to
10 Brad Tallamy.
11 Do you see that?
12 A. Yes.
13 Q. Subject is "Forward: Walgreens
14 Hosted McCarthy Fundraiser."
15 Do you see that?
16 A. Yes.
17 Q. And he says, Rita, we could
18 really use help on this. Do you have McCarthy
19 money left?
20 Do you see that?
21 A. Yes.
22 Q. What did he mean or do you
23 understand what he meant when he asked you if
24 you had McCarthy money left?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: He meant do we have
4 money left in our budget, our PAC budget
5 for Congressman McCarthy.
6 BY MR. CLUFF:
7 Q. So did you understand that to be
8 a request that AmerisourceBergen contribute PAC
9 money to the McCarthy fundraiser?
10 A. Yes.
11 Q. Earlier I asked you if Walgreens
12 ever asked AmerisourceBergen to make campaign
13 contributions.
14 Does this e-mail refresh your
15 recollection?
16 MR. NICHOLAS: Object to the
17 form.
18 THE WITNESS: Yes.
19 BY MR. CLUFF:
20 Q. So Walgreens did, in fact, ask
21 AmerisourceBergen to make campaign
22 contributions?
23 MR. NICHOLAS: Object to the
24 form.

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1 THE WITNESS: They asked us to
2 participate in a fundraiser.
3 BY MR. CLUFF:
4 Q. The next e-mail up the chain, you
5 reply to Ed and you say "Hi, Ed, we are maxed to
6 his re-elect but can do leadership PAC?"
7 What does it mean to be maxed to
8 a re-elect?
9 A. So Political Action Committees
10 are strictly regulated by the Federal Election
11 Commission, and there are strict limits. We
12 report monthly how much we contribute, and you
13 can't contribute more than \$5,000 per campaign,
14 per candidate from a Political Action Committee
15 to a federal candidate.
16 So if we've given 5,000 to his
17 campaign, then we can't give any more, and that
18 means we're maxed.
19 Q. So, essentially, the first part
20 of your answer to Ed is that AmerisourceBergen
21 was maxed on McCarthy's re-election campaign?
22 A. Yes.
23 Q. But then your sentence continues
24 and says, "but can do leadership PAC."

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1 A. Yes.
2 Q. What does make mean?
3 A. So some members of Congress also
4 form a separate PAC from their re-election PAC
5 called a leadership PAC, and that means there --
6 they use the funds in those Political Action
7 Committees to support colleagues' campaigns in
8 Congress.
9 And so according to the laws
10 regulating and regulations on PACs, you could --
11 you can give another annual \$5,000 from your PAC
12 to their leadership PAC. But their re-elect
13 PAC, you can only give \$5,000 per campaign every
14 two years because that's a cycle for a house
15 member.
16 Q. So to kind of break out your
17 answer based on the information you just gave
18 us, you essentially replied to Ed and say,
19 AmerisourceBergen is maxed on PAC contributions
20 to McCarthy's re-election campaign, but
21 AmerisourceBergen could donate to McCarthy's
22 leadership PAC.
23 MR. NICHOLAS: I'm going to
24 object to the form.

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1 BY MR. CLUFF:
2 Q. Is that what you're communicating
3 to him?
4 A. Yes.
5 Q. And then is there a reason why
6 you ended it with a question mark, that
7 sentence?
8 A. Because -- oh, well, because I
9 was asking if that was acceptable.
10 Q. And then you continue by asking
11 another question you say, "Can you do a trade
12 with us for Sessions?"
13 Do you see that?
14 A. Yes.
15 Q. What did you mean by that?
16 A. So Congressman Pete Sessions was
17 having a fundraiser that I had responsibility
18 for, I was hosting, I guess, and so we
19 frequently will ask each other to support events
20 that we're hosting because we like to do these
21 events together, these fundraisers.
22 Q. So when Mr. Kaleta asked if
23 you could -- if AmerisourceBergen had any
24 McCarthy money left, you essentially said that

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1 AmerisourceBergen could contribute to the
2 leadership PAC, but you wanted a trade from
3 Walgreens for a donation to Sessions?
4 A. Congressman Pete Sessions.
5 Q. Was it commonplace in the
6 pharmaceutical industry to trade campaign
7 contributions between like distributors and
8 customers?
9 MR. NICHOLAS: Object to the
10 form.
11 THE WITNESS: I don't know.
12 BY MR. CLUFF:
13 Q. Did you ever enter into such an
14 arrangement with any other pharmacies?
15 MR. NICHOLAS: Object to the
16 form.
17 THE WITNESS: Yes.
18 BY MR. CLUFF:
19 Q. Which ones?
20 A. Did you say with any pharmacies?
21 Q. Yeah, so Walgreens is a pharmacy,
22 correct?
23 A. Yes.
24 Q. Right. And here it appears that

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1 you're entering into a trade for campaign
2 contributions with Walgreens, which is a
3 pharmacy.
4 So my question is did
5 AmerisourceBergen ever form any other agreements
6 like that with other pharmacies?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: Yes.
10 BY MR. CLUFF:
11 Q. Do you recall which ones?
12 A. Rite Aid.
13 Q. Do you remember who you would
14 have spoken to about that kind of an agreement
15 at Rite Aid?
16 A. Yong Choe.
17 Q. Okay. Any other pharmacies that
18 you had agreements with?
19 A. No.
20 Q. How about other distributors, did
21 Amerisource ever make agreements like this one
22 with Walgreens with other distributors?
23 MR. NICHOLAS: Object to the
24 form.

<p style="text-align: right;">Page 126</p> <p>1 THE WITNESS: So it's very common</p> <p>2 to do this. It's just a way of</p> <p>3 supporting each other, and these</p> <p>4 fundraisers are attended by all -- you</p> <p>5 know, we try to make them very much</p> <p>6 educational opportunities for whoever</p> <p>7 we're raising funds for so that we can</p> <p>8 speak as a community on issues that we</p> <p>9 are educating on, and so it's frequent</p> <p>10 for us -- it's common for us to talk to</p> <p>11 other, you know, pharmacy organizations</p> <p>12 to see if we can do things together, so</p> <p>13 we can communicate together, so this is</p> <p>14 not unusual.</p> <p>15 MR. CLUFF: I'm going to pause</p> <p>16 the record for just a second. Is the</p> <p>17 live feed down for anybody else?</p> <p>18 MR. CREADORE: Right, mine is</p> <p>19 down.</p> <p>20 THE VIDEOGRAPHER: Off the record</p> <p>21 at 12:02.</p> <p>22 (Luncheon recess.)</p> <p>23 THE VIDEOGRAPHER: Back on the</p> <p>24 record at 1:00.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Then I'll ask it fresh.</p> <p>2 Did AmerisourceBergen ever make</p> <p>3 agreements about campaign contributions with any</p> <p>4 other wholesale distributors?</p> <p>5 MR. NICHOLAS: Object to the</p> <p>6 form.</p> <p>7 THE WITNESS: We work with the</p> <p>8 other distributors on fund -- you know,</p> <p>9 fundraisers together and we agree to</p> <p>10 support each other's fundraisers, but</p> <p>11 that's, you know, a very common practice</p> <p>12 in Washington and among all companies.</p> <p>13 BY MR. CLUFF:</p> <p>14 Q. So if I understand you correctly,</p> <p>15 it's common practice to support -- when you say</p> <p>16 each other, you would mean, for example, for</p> <p>17 Amerisource to support a McKesson fundraiser?</p> <p>18 A. Yes.</p> <p>19 Q. How about a Cardinal Health</p> <p>20 fundraiser?</p> <p>21 A. Yes.</p> <p>22 Q. And would it be common for both</p> <p>23 of those entities to support an</p> <p>24 AmerisourceBergen fundraiser?</p>
<p style="text-align: right;">Page 127</p> <p>1 BY MR. CLUFF:</p> <p>2 Q. Welcome back, Ms. Norton, from</p> <p>3 the lunch break. We're back on the record. So,</p> <p>4 once again, you're back under oath.</p> <p>5 Do you understand that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay, great. So before we broke</p> <p>8 for lunch, we were talking about an agreement on</p> <p>9 campaign contributions that you were discussing</p> <p>10 with Ed Kaleta.</p> <p>11 Do you recall that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And I asked you if it was</p> <p>14 -- if AmerisourceBergen had made any other such</p> <p>15 agreements about campaign contributions with</p> <p>16 distributors.</p> <p>17 Do you recall that discussion?</p> <p>18 MR. NICHOLAS: Go ahead. You're</p> <p>19 just asking if she recalls the question,</p> <p>20 right?</p> <p>21 MR. CLUFF: Yeah.</p> <p>22 MR. NICHOLAS: Okay.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MR. CLUFF:</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. NICHOLAS: Object to the</p> <p>2 form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. CLUFF:</p> <p>5 Q. How about is that kind of a</p> <p>6 practice common with pharmacies like Rite Aid or</p> <p>7 Walgreens, for example?</p> <p>8 MR. NICHOLAS: Object to the</p> <p>9 form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. How about with manufacturers, is</p> <p>13 that a practice that was common with</p> <p>14 pharmaceutical manufacturers?</p> <p>15 MR. NICHOLAS: Object to the</p> <p>16 form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. CLUFF:</p> <p>19 Q. I think earlier when I asked you</p> <p>20 about, you know, that kind of a practice in the</p> <p>21 supply chain industry, you did tell me that it</p> <p>22 was common.</p> <p>23 Is that a way that</p> <p>24 AmerisourceBergen, for example, could support</p>

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1 other members of the supply chain?
2 MR. NICHOLAS: Object to the
3 form.
4 THE WITNESS: I don't understand
5 that question.
6 BY MR. CLUFF:
7 Q. Was it a way that
8 AmerisourceBergen could help its partners in the
9 supply chain by, you know, agreeing to support
10 their fundraisers?
11 MR. NICHOLAS: Same objection.
12 THE WITNESS: So holding
13 fundraisers in Washington is a common
14 practice among all companies,
15 associations, charitable organizations.
16 I mean, everybody does it because it's
17 an opportunity to sit together and
18 educate an elected official or a
19 candidate for elected office, and the
20 reason that we often do this, the
21 healthcare industry does them together
22 is because then we can talk about issues
23 and educate on our industry all
24 together.

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1 If the oil and gas industry was
2 in the room and we'd be talking about
3 oil and gas issues and not healthcare
4 issues.
5 So this practice of supporting
6 each other's fundraisers is just a way
7 to organize so that we can do our
8 fundraisers together and spend that time
9 together, you know, talking about and
10 educating about our industry.
11 BY MR. CLUFF:
12 Q. So one of the purposes of these
13 fundraisers was for the industry members who
14 were present to coordinate and educate
15 legislators?
16 A. To educate legislators.
17 Q. And was supporting -- was
18 supporting other industry members' fundraisers,
19 was that a way to coordinate the educational
20 efforts?
21 MR. NICHOLAS: Object to the
22 form.
23 THE WITNESS: I would not use the
24 word "coordinate."

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1 BY MR. CLUFF:
2 Q. What word would you use?
3 MR. NICHOLAS: Object to the
4 form.
5 THE WITNESS: I would -- I don't
6 know. Quick communicate.
7 BY MR. CLUFF:
8 Q. Do you feel that it was important
9 for the pharmaceutical industry to speak as one
10 voice when they were educating legislators about
11 issues?
12 MR. NICHOLAS: Object to the
13 form.
14 THE WITNESS: Well, every company
15 is going to have its own perspective, so
16 there might be a commonality among
17 support for particular legislation or
18 that impacts an industry, but every
19 company is going to have a unique
20 perspective.
21 BY MR. CLUFF:
22 Q. So that wasn't quite my question.
23 I'm asking if the pharmaceutical
24 industry -- members of the pharmaceutical, you

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1 know, supply chain industry if they try to speak
2 as one voice when they're dealing with
3 legislators?
4 MR. NICHOLAS: Object to the
5 form. Object to the statement at the
6 beginning of your question.
7 THE WITNESS: I don't think that
8 would accurately characterize it.
9 BY MR. CLUFF:
10 Q. Do you know if anybody at
11 AmerisourceBergen has ever talked about wanting
12 to speak as one voice on behalf of the supply
13 chain industry?
14 MR. NICHOLAS: Object to the
15 form.
16 THE WITNESS: No.
17 BY MR. CLUFF:
18 Q. Is the answer you don't know or
19 the answer is no, no one has ever said that?
20 A. I don't know.
21 MR. CLUFF: I want to show you a
22 copy of the document that's been
23 produced in the case by
24 AmerisourceBergen. We'll mark it as

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1 Exhibit 2. It's Bates stamped
2 ABDCMDL00251549. It's number 42.
3 (Document marked for
4 identification as Norton Deposition
5 Exhibit No. 2.)
6 BY MR. CLUFF:
7 Q. As you can see, the document has
8 been heavily redacted. The substance of the
9 document that's not redacted is at the very
10 bottom of the second page, I think.
11 A. (Witness reviews document.)
12 Okay.
13 Q. So just to sort of lay some
14 foundation here, do you see at the bottom of the
15 first page there is a large bold block of text
16 that says CEPOP, with what look like gears next
17 to it?
18 A. Yes.
19 Q. And then in very small, faint
20 print it says, to my best eyesight,
21 "Collaborative For Effective Prescription Opioid
22 Policies"?
23 A. Yes.
24 Q. Do you know what that is?

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1 A. Yes, it's a coalition that's
2 working together to try to support solutions to
3 the opioid crisis.
4 Q. Do you know who the members or
5 participants of that entity are?
6 A. There's quite -- there's a lot of
7 members, a lot of companies and associations,
8 patient organizations. It's, you know, a
9 consortium of organizations.
10 Q. What are the -- let's start with
11 companies. Are any pharmaceutical manufacturer
12 companies members of -- I'm going to call it
13 CEPOP, is that okay?
14 A. Yes.
15 Q. Are any manufacturer companies
16 members of CEPOP?
17 A. Yes.
18 Q. Which ones?
19 A. Mallinckrodt. I can't remember
20 any other manufacturers, but I know there are
21 other manufacturers, not a lot. We're the only
22 distributor in this organization.
23 Q. Do you know whether -- so you
24 said no other manufacturer members?

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1 A. I don't know. I think there are,
2 but I don't know who they are. I can't name
3 them.
4 Q. And you said you think that there
5 are no other distributor companies that are
6 members?
7 A. No, and I think when they were
8 formed, they were not trying to be like
9 dominated by any particular industry, they
10 wanted to have representation from all areas
11 that touched the opioid abuse crisis, and so
12 they weren't looking to have, you know, over
13 concentration from any one industry.
14 Q. Do you know if any pharmacy
15 companies are members of CEPOP?
16 A. I don't know.
17 Q. How about trade organizations or
18 associations, do you know if any trade
19 organizations or associations are members of
20 CEPOP?
21 A. I don't know.
22 Q. How about, for example, NADDI,
23 N-A-D-D-I, are they a member?
24 A. I don't know.

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1 Q. NACDS?
2 A. I don't know.
3 Q. How about NCPA?
4 A. I don't have the membership, you
5 know.
6 Q. It's okay. I'm just --
7 A. And I haven't been to any of
8 their meetings recently, so I can't say.
9 Q. Do you recall how frequently
10 CEPOP met?
11 A. Approximately once or twice a
12 month.
13 Q. Okay. I want to look at the
14 second to last e-mail there. It says sent
15 Friday, October 16, 2015, 3:41 p.m. The sender
16 is probably over privileged there, but it looks
17 like it's sent to Zimmerman, Chris and Steve
18 Mays.
19 Do you think this is an e-mail
20 you might have sent to Chris or Steve?
21 A. I don't know.
22 Q. If you look above that, Chris
23 Zimmerman replies to you, to Elizabeth Campbell,
24 Steve Mays, David Casalenuovo, David May, Chris

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1 -- and Brad Tallamy.
2 MR. CLUFF: Is that Chris?
3 MR. NICHOLAS: Yeah.
4 BY MR. CLUFF:
5 Q. Looking at the e-mail from
6 Zimmerman to you and Elizabeth Campbell, et al.,
7 do you think that this is an e-mail you might
8 have sent to Chris?
9 MR. NICHOLAS: Object to the
10 form.
11 THE WITNESS: I don't recall.
12 BY MR. CLUFF:
13 Q. Looking at the text of the second
14 to last e-mail on the first page, in the second
15 sentence someone writes, I know we usually speak
16 as one voice through HDMA.
17 Do you see that?
18 MR. NICHOLAS: Go ahead. Object
19 to the form.
20 Go ahead.
21 THE WITNESS: Yes.
22 BY MR. CLUFF:
23 Q. Does that refresh your
24 recollection that the industry tried to speak as

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1 one voice through the HDMA?
2 MR. NICHOLAS: Object to the
3 form.
4 THE WITNESS: I think that is a
5 really general statement that anybody
6 could use. I don't -- but it could be.
7 I don't know if I wrote this or not. I
8 don't know who wrote this.
9 BY MR. CLUFF:
10 Q. But, generally, you would agree
11 as a general statement that the industry tried
12 to speak as one voice through the HDMA?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: Not generally, but,
16 I mean, on certain issues. You know,
17 that's a very difficult question.
18 BY MR. CLUFF:
19 Q. Why is it difficult?
20 A. Because it's, you know -- there
21 are times like if the industry is supporting a
22 bill, then the position would be unified, but a
23 lot of times the positions among each company it
24 differs because every company is different and

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1 sees things differently. So I don't -- I
2 wouldn't normally say that, so I don't know what
3 the context of this is.
4 Q. Well, we can agree that this
5 e-mail says somebody knows we usually speak as
6 one voice through the HDMA, correct?
7 MR. NICHOLAS: You're asking
8 whether that's what the words say on the
9 piece of paper?
10 MR. CLUFF: Yes, Bob.
11 MR. NICHOLAS: Okay. Go ahead.
12 BY MR. CLUFF:
13 Q. So, Ms. Norton, we can agree --
14 A. That's what this says, yes, this
15 e-mail.
16 Q. Okay, great. So then the e-mail
17 continues, but I don't see the harm -- and it
18 says is sending a letter out from ABC directly
19 to ONDCP with HDMA copied.
20 Do you see that?
21 A. Yes.
22 Q. And then there's a parenthetical
23 statement that says "unless there is some
24 agreement in place which would prohibit this."

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1 Have you ever heard of any
2 agreements that would prohibit a company like
3 AmerisourceBergen from speaking out directly
4 about an issue?
5 MR. NICHOLAS: Object to the
6 form.
7 THE WITNESS: No, I have never
8 heard of that.
9 BY MR. CLUFF:
10 Q. Do you know why anybody who wrote
11 this e-mail would have thought that there could
12 be an agreement limiting ABC's ability to speak
13 directly about an issue?
14 MR. NICHOLAS: Object to the
15 form, lack of foundation.
16 THE WITNESS: No, I don't.
17 BY MR. CLUFF:
18 Q. Earlier we talked about some
19 individuals from other companies that you would
20 have worked with in your role as a government
21 affairs employee at AmerisourceBergen.
22 Do you recall that?
23 A. Do I recall --
24 Q. That we had that conversation.

<p style="text-align: right;">Page 142</p> <p>1 A. Yes.</p> <p>2 Q. I want to ask you about some</p> <p>3 other names.</p> <p>4 In your work with Rite Aid after</p> <p>5 you joined AmerisourceBergen, did you work with</p> <p>6 Daniel Miller?</p> <p>7 A. I don't know that name.</p> <p>8 Q. Did you work with John Koster?</p> <p>9 A. Yes.</p> <p>10 Q. What was your work with John</p> <p>11 Koster?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form.</p> <p>14 THE WITNESS: When? I've known</p> <p>15 John Koster a long time, in a lot of</p> <p>16 different roles. When are you referring</p> <p>17 to?</p> <p>18 BY MR. CLUFF:</p> <p>19 Q. What did you work on with Mr.</p> <p>20 Koster after you joined AmerisourceBergen?</p> <p>21 A. Medicaid pharmacy reimbursement</p> <p>22 issues.</p> <p>23 Q. Anything else?</p> <p>24 A. No, not that I -- I don't recall.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. And what work did you do with</p> <p>2 Elizabeth Brooks after you joined</p> <p>3 AmerisourceBergen?</p> <p>4 A. I'm sorry, let me step back. I</p> <p>5 know Elizabeth Brooks, but I have never worked</p> <p>6 with her.</p> <p>7 Q. How do you know Ms. Brooks?</p> <p>8 A. She's been in the healthcare</p> <p>9 industry for several years, and she will</p> <p>10 participate in meetings with NC -- NACDS, where</p> <p>11 we will see her, so just to the extent our</p> <p>12 companies work on similar pharmacy issues.</p> <p>13 Q. Okay. Did you ever work with</p> <p>14 Ms. Brooks on similar pharmacy issues between</p> <p>15 AmerisourceBergen and CVS?</p> <p>16 A. No.</p> <p>17 Q. In the HDA did you communicate</p> <p>18 with any specific individual on a regular basis?</p> <p>19 A. At HDA?</p> <p>20 Q. HDA specifically employees, yes.</p> <p>21 A. Several.</p> <p>22 Q. Which ones?</p> <p>23 A. Patrick Kelly, Elizabeth</p> <p>24 Gallenagh, Kristen Freitas, Jewelyn Cosgrove.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. You mentioned that you've known</p> <p>2 John Koster a long time. How do you know him</p> <p>3 before your work with him at AmerisourceBergen?</p> <p>4 A. I knew John when he worked in the</p> <p>5 Senate and when he worked at NACDS, NCPA. He</p> <p>6 worked as a consultant for us, and now he works</p> <p>7 for CMS.</p> <p>8 Q. What's CMS?</p> <p>9 A. CMS is the Center for Medicaid</p> <p>10 and Medicare Services under the Department of</p> <p>11 Health and Human Services.</p> <p>12 Q. In what capacity did Mr. Koster</p> <p>13 work for AmerisourceBergen as a consultant?</p> <p>14 A. He worked for us as a consultant</p> <p>15 for about a year after he left NCPA on Medicaid</p> <p>16 pharmacy reimbursement issues.</p> <p>17 Q. In your work after you joined</p> <p>18 AmerisourceBergen, did you have occasion to work</p> <p>19 with a person named Allen Horne from CVS?</p> <p>20 A. I'm sorry, repeat the name.</p> <p>21 Q. Yeah, Allen Horne, H-o-r-n-e?</p> <p>22 A. No.</p> <p>23 Q. How about Elizabeth Brooks?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Is that J-e-w-e-l-y-n?</p> <p>2 A. I think it's J-e-w-e-l-y-n.</p> <p>3 And Matt DiLoreto I would say are</p> <p>4 the main ones.</p> <p>5 Q. How about Perry Fri?</p> <p>6 A. I know Perry Fri, but I don't</p> <p>7 work with him.</p> <p>8 Q. How about Anita Ducca?</p> <p>9 A. I know Anita, but I don't work</p> <p>10 regularly with her.</p> <p>11 Q. How about John Gray?</p> <p>12 A. I have limited contact with John</p> <p>13 Gray.</p> <p>14 Q. In what capacity did you during</p> <p>15 your time at AmerisourceBergen work with</p> <p>16 Mr. Kelly in the HDA?</p> <p>17 A. Please can you repeat that</p> <p>18 question.</p> <p>19 Q. Sure. I'm trying to limit the</p> <p>20 question to the time you were at</p> <p>21 AmerisourceBergen, first of all, and then I'm</p> <p>22 curious during that time what did you -- in what</p> <p>23 capacity did you work with Mr. Kelly?</p> <p>24 A. So he oversees federal government</p>

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1 affairs, and so I work with him just generally
2 on government affairs issues.
3 Q. How -- when did you start working
4 with Mr. Kelly on federal government affairs?
5 A. When he joined HDA.
6 Q. And when was that?
7 A. I don't know exactly. I'm
8 guess -- I would estimate five years ago.
9 Q. Who did you work with at the HDA
10 prior to Mr. Kelly becoming the person who
11 oversees the federal government affairs issues?
12 A. Scott Melville.
13 Q. And when did you start working
14 with Scott Melville?
15 A. Well, I worked with Scott
16 Melville before I joined AmerisourceBergen, but
17 he was at HDA when I started with it.
18 Q. So from 2004 --
19 A. Yes.
20 Q. -- till Mr. Patrick Kelly took
21 over?
22 A. Yes, and Scott left.
23 Q. Between 2004 and when Mr. Kelly
24 took over the federal government affairs, how

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1 often did you speak with Mr. Melville?
2 A. Mr. Melville, oh, before?
3 Q. Mm-hmm.
4 A. When he was still at HDA?
5 Q. Yeah, when he was at HDA and you
6 were working at AmerisourceBergen.
7 A. Two to three times a month.
8 Q. Did you have also e-mail
9 correspondence with him?
10 A. Yes.
11 Q. How often do you think you would
12 e-mail with him?
13 A. Once a week.
14 Q. Did any of those e-mail
15 communications or telephone calls involve
16 representatives from Cardinal Health or
17 McKesson?
18 A. Yes.
19 MR. NICHOLAS: Object to the
20 form.
21 Go ahead.
22 THE WITNESS: I would clarify
23 that most of my e-mail correspondence
24 with Scott Melville during his time at

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1 HDA were e-mails he would send to
2 everybody in the federal government
3 affairs committee or state government
4 affairs or public policy. I didn't have
5 a lot of one-on-one e-mail interaction
6 with Mr. Melville, maybe once or twice a
7 month.
8 BY MR. CLUFF:
9 Q. How about the phone calls, do you
10 recall if Cardinal Health or McKesson would have
11 participated on the phone calls you had with
12 Mr. Melville?
13 A. I would -- usually, usually we
14 had group calls. It wasn't just one-on-one.
15 Q. When Mr. Kelly took over the
16 federal government affairs, how often would you
17 say that you spoke with him?
18 A. Maybe once a month.
19 Q. Did you have e-mails with
20 Mr. Kelly?
21 A. In the same sense. He would
22 e-mail the large group and I would respond and
23 rarely would we have one-on-one e-mails or
24 conversations.

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1 Q. When you spoke with Mr. Kelly by
2 phone, were representatives of Cardinal and
3 McKesson generally present for those phone calls
4 or participating in those calls?
5 A. Sometimes, most of the time.
6 Q. Elizabeth Gallenagh, she's
7 currently chief legal counsel for the HDA. I
8 don't know if you're aware of that, so I'm going
9 to ask you some questions about her, but I
10 caution you to be careful. I know that
11 you're -- the company you work for is asserting
12 what's called a common interest privilege. The
13 plaintiffs are disputing the basis for that
14 privilege, but until it's been resolved, I would
15 caution you not to give me answers about legal
16 strategy that you're aware of that was formed in
17 conjunction with the HDA.
18 Does that make sense?
19 A. Yes.
20 Q. Okay, great.
21 So Ms. Gallenagh, have you worked
22 with Ms. Gallenagh during your time at
23 AmerisourceBergen?
24 A. Yes.

<p style="text-align: right;">Page 150</p> <p>1 Q. In what capacity did you work 2 with Ms. Gallenagh? 3 A. On government affairs policy 4 issues. 5 Q. How often did you speak with 6 Ms. Gallenagh? 7 A. Well, one-on-one, maybe a couple 8 times a year, but less frequently recently. 9 Q. How about in group calls, how 10 often did you have group calls with 11 Ms. Gallenagh? 12 A. Maybe six times a year. 13 Q. And in those group calls, would 14 representatives from Cardinal Health and 15 McKesson be present? 16 A. Yes. 17 Q. How about e-mail communications, 18 did you receive e-mail communications from 19 Ms. Gallenagh? 20 A. Just in the group e-mails. 21 Q. And what group would that have 22 been? 23 A. Government affairs, public 24 policy.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. And in those group calls would 2 representatives from Cardinal and McKesson have 3 been present? 4 A. Yes. 5 Q. Who is Jewelyn Cosgrove? 6 A. Jewelyn Cosgrove is also a 7 lobbyist for HDA. 8 Q. Did you work with her since you 9 joined AmerisourceBergen? 10 A. Yes. 11 Q. In what capacity did you work 12 with Ms. Cosgrove? 13 A. Just, you know, lobbying, 14 educating on federal and policy issues. 15 Q. And how often would you speak 16 with Ms. Cosgrove? 17 A. Maybe once or twice a month. 18 Q. Did you have any group calls that 19 involve Ms. Cosgrove? 20 A. Yes. 21 Q. How often were those group calls? 22 A. Twice a month. 23 Q. And would representatives from 24 Cardinal and McKesson be present for those</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. Who is Kristen Freitas? 2 A. She is HDA's federal government 3 affairs lobbyist. 4 Q. Is she a registered lobbyist? 5 A. Yes. 6 Q. Do you need to take that? 7 A. Just turning off my phone. 8 Q. Did you work with her in your 9 time at AmerisourceBergen? 10 A. Yes. 11 Q. When do you recall first starting 12 to work with Ms. Freitas? 13 A. Since she's been with the 14 organization, which I don't remember when she 15 started. 16 Q. How often do you estimate that 17 you would have spoken with Ms. Freitas? 18 A. Individually maybe once or twice 19 a year and as a group probably once every other 20 week. 21 Q. And then what group would that 22 have been? 23 A. Federal or -- federal government 24 affairs or public policy.</p>	<p style="text-align: right;">Page 153</p> <p>1 calls? 2 A. Yes. 3 Q. And then who is Matthew DiLoreto? 4 A. He is the state government 5 affairs vice president for HDA. 6 Q. Did you work with Mr. DiLoreto in 7 your time at AmerisourceBergen? 8 A. Yes. 9 Q. In what capacity? 10 A. State government affairs and 11 policy issues. 12 Q. How often do you think you would 13 have spoke with Mr. DiLoreto? 14 A. Twice a month. 15 Q. Did you ever have any group calls 16 with Mr. DiLoreto? 17 A. Yes. 18 Q. How often were those? 19 A. Well, it varies depending on -- 20 we've had times when we didn't have anybody 21 in-house on state government affairs, so I had 22 to fill in, so there were times where I might be 23 on a call with him once a week or maybe once a 24 month. It depends. It varies.</p>

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1 Q. Aside from the individual
2 conversations and e-mails and group calls that
3 we've discussed with these members of the HDA or
4 employees of the HDA, excuse me, were there ever
5 big three coordinating calls or strategy calls?
6 MR. NICHOLAS: Object to the
7 form.
8 THE WITNESS: No, not that I
9 recall.
10 BY MR. CLUFF:
11 Q. Not that you recall?
12 A. I do not recall.
13 Q. But it's possible that they
14 happened?
15 MR. NICHOLAS: Object to the
16 form.
17 THE WITNESS: I don't know.
18 BY MR. CLUFF:
19 Q. Do you know if these calls were
20 regularly scheduled calls?
21 MR. NICHOLAS: Which calls?
22 MR. CLUFF: The big three
23 coordination calls.
24 MR. NICHOLAS: Object to the

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1 form.
2 MR. CLUFF: You can object to the
3 form. That doesn't mean she can't
4 answer.
5 MR. NICHOLAS: No foundation.
6 THE WITNESS: I don't know what
7 you're -- I don't understand.
8 BY MR. CLUFF:
9 Q. Do you know who the big three
10 are? I'm just asking if you know what that term
11 means.
12 MR. NICHOLAS: Object to the
13 form.
14 Go ahead.
15 THE WITNESS: Not officially. I
16 can guess but, I'm not supposed to
17 guess, so no.
18 BY MR. CLUFF:
19 Q. So you don't officially know who
20 the big three distributors are?
21 A. No, there's no official big three
22 that I know of.
23 Q. Have you ever heard that term
24 used by the HDA?

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1 A. I don't recall.
2 Q. Have you ever heard anybody use
3 that term before, the big three?
4 A. I've heard -- I guess I've heard
5 it said at NACDS.
6 Q. And when you heard it said at
7 NACDS, did you have an understanding of who it
8 referred to or what it referred to?
9 A. Not officially.
10 Q. How about unofficially?
11 A. Yes.
12 Q. And so what was your
13 understanding?
14 A. The biggest, the largest three
15 chain drug stores.
16 Q. And who are those?
17 A. Rite Aid, CVS and Walgreens.
18 Q. So there are -- there's a group
19 of big three chain drug stores?
20 MR. NICHOLAS: Object to the
21 form.
22 MR. CLUFF: I'm just trying to
23 understand.
24 THE WITNESS: I don't -- nobody

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1 refers to them that way that I know.
2 That would be a joke.
3 BY MR. CLUFF:
4 Q. Have you ever heard of Cardinal
5 Health, McKesson and AmerisourceBergen referred
6 to as the big three?
7 A. Not that I recall.
8 Q. Okay. Give me one second.
9 MR. CLUFF: I'm going to hand you
10 another document. We're going to call
11 it Exhibit 3. It's been produced by
12 AmerisourceBergen. It's
13 ABDCMDL00276999. Here is your copy.
14 (Document marked for
15 identification as Norton Deposition
16 Exhibit No. 3.)
17 BY MR. CLUFF:
18 Q. Please take a moment to review
19 that. Let me know when you've had a chance to
20 review it.
21 A. (Witness reviews document.)
22 Okay.
23 Q. So you've had a chance to review
24 that document now?

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1 A. Yes.
2 Q. All right. Let's start at the
3 first e-mail, which is at the bottom of page 1.
4 The subject line is "HDMA Update."
5 Do you see where I'm at?
6 A. Yes.
7 Q. The sender of that e-mail is
8 Patrick Kelly.
9 Is that the same Patrick Kelly
10 that we discussed earlier from the HDA?
11 A. Yes.
12 Q. And then the recipients are Ann
13 Berkey, Connie Woodburn and Rita Norton,
14 correct?
15 A. Yes.
16 Q. And Ann Berkey is from McKesson.
17 We discussed her earlier, correct?
18 A. Yes.
19 Q. And Connie Woodburn, she's from
20 Cardinal. We discussed her earlier, correct?
21 A. Yes.
22 Q. And those would be your
23 counterparts at McKesson and Cardinal Health?
24 A. Yes.

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1 Q. There are other members of the
2 HDA, correct --
3 A. Yes.
4 Q. -- besides Cardinal Health,
5 McKesson and AmerisourceBergen?
6 A. Yes.
7 Q. They're not copied on this
8 e-mail, are they?
9 A. No.
10 Q. The subject line is "HDMA
11 Update."
12 Do you see that?
13 A. Yes.
14 Q. Let's work on this e-mail from
15 the bottom up. So if you turn to the second
16 page ending in 277000, you see the top of that
17 page there's a number 4 and then a paragraph of
18 text?
19 A. Yes.
20 Q. And see the first line it says,
21 "And finally, I would like to restart a monthly
22 Big 3 briefing call."
23 Do you see that?
24 A. Yes.

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1 Q. Do you have an understanding in
2 this e-mail who the "Big 3" are?
3 A. Yes.
4 Q. Who are they?
5 A. Cardinal, McKesson and
6 AmerisourceBergen.
7 Q. And this e-mail says that
8 Mr. Kelly wants to restart a monthly "Big 3"
9 briefing call, right?
10 A. Yes.
11 Q. So at some point before the date
12 of this e-mail, which is 2014, there was a
13 monthly "Big 3" briefing call?
14 MR. NICHOLAS: Object to the
15 form.
16 THE WITNESS: I never heard it
17 called that. That was a Patrick Kelly
18 term, I think.
19 BY MR. CLUFF:
20 Q. What did you hear it called?
21 A. Just a coordinating call.
22 I mean, to be clear, there's only
23 three members of HDA that have Washington
24 presence or have a government affairs function

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1 at all. So there were times when we would
2 coordinate or have calls with HDA with our three
3 companies and Patrick or Scott Melville, but
4 that almost completely stopped when Patrick took
5 over because we could never get a time worked
6 out.
7 Q. So prior to -- prior to Mr. Kelly
8 taking over the federal government affairs work
9 at HDA, there was what you've referred to as a
10 coordination call between Cardinal, McKesson and
11 AmerisourceBergen and HDA? I'm asking for your
12 understanding. I'm not talking about the
13 document.
14 A. So we would try to do calls with
15 our three government affairs leads and HDA
16 occasionally, but, as I said, it was very hard
17 to get scheduled.
18 Q. And you referred to those as
19 coordination calls?
20 MR. NICHOLAS: Object to the
21 form.
22 THE WITNESS: I don't know what
23 we've referred to them as.
24 BY MR. CLUFF:

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1 Q. Okay. Well, Mr. Kelly's e-mail
 2 refers to them as briefing calls.
 3 Do you see that?
 4 A. Yes.
 5 Q. Okay. And he refers to them as
 6 actually monthly "Big 3" briefing calls.
 7 Is that what you recall them
 8 being described as during this time period?
 9 MR. NICHOLAS: Object to the
 10 form.
 11 THE WITNESS: I don't recall what
 12 they were described as.
 13 BY MR. CLUFF:
 14 Q. But, as you said earlier, there
 15 were no other distributors that participated in
 16 those calls; it was just Cardinal,
 17 AmerisourceBergen and McKesson?
 18 MR. NICHOLAS: Object to the
 19 form.
 20 THE WITNESS: Whenever -- when we
 21 had them and oftentimes not everybody
 22 could even be on the call.
 23 BY MR. CLUFF:
 24 Q. Let's turn back to the first page

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1 and look at number 1 in this e-mail from Patrick
 2 Kelly.
 3 He says "We are trying to
 4 finalize the agenda for the upcoming GPPC
 5 meeting."
 6 Previously we talked about the
 7 GPPC, and I think you testified that they had --
 8 how often were the meetings of the GPPC again?
 9 A. Two or three times a year. They
 10 might have originally been three times, but now
 11 I think they're two times a year.
 12 Q. Were those in-person meetings?
 13 A. Yes.
 14 Q. Who would attend those meetings?
 15 A. Representatives from all the
 16 members were invited.
 17 Q. The next sentence says, "I wanted
 18 to let you know that we are going to try to
 19 secure Congressman Marino as our morning
 20 speaker."
 21 Do you see that?
 22 A. Yes.
 23 Q. Have you heard of the Marino
 24 Blackburn bill?

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1 A. I'm sorry, what did you --
 2 Q. The Marino Blackburn bill.
 3 A. Yes.
 4 Q. Is inviting Mr. Marino or
 5 Congressman Marino to speak at this HDA GPPC
 6 meeting, was that a part of the HDA's lobbying
 7 efforts with Mr. Marino?
 8 MR. NICHOLAS: Object to the
 9 form.
 10 THE WITNESS: It was a common
 11 practice for us and still is to invite a
 12 member of Congress to speak to this
 13 group, and usually it's a member of
 14 Congress who is working on an issue of
 15 interest to the companies that
 16 participate.
 17 BY MR. CLUFF:
 18 Q. Moving forward a couple
 19 sentences, this e-mail says, "In addition to
 20 that we are also going to try to organize a
 21 supply chain panel discussion for the luncheon
 22 portion of the agenda."
 23 The next sentence reads, initial
 24 thought are to reach out to NCPA, NACDS, I'm

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1 going to say PhRMA and GPhA to see if we can
 2 secure a government affairs person from each
 3 association to present their association's
 4 advocacy priorities for 2014.
 5 Do you see that?
 6 A. Yes.
 7 Q. We talked about the NCPA and
 8 NACDS earlier, correct?
 9 A. Yes.
 10 Q. They're both pharmacy
 11 associations?
 12 A. Yes.
 13 Q. That manuf -- I mean, excuse me
 14 -- distributors participate in both of those
 15 organizations, correct?
 16 A. Yes.
 17 Q. What's PhRMA, do you know what
 18 that is?
 19 A. That's the manufacturers trade
 20 association.
 21 Q. Do you know what that stands for?
 22 A. Pharmaceutical Research
 23 Manufacturers Association.
 24 Q. Do you know what the GPhA is?

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1 A. Generic Pharmaceutical
2 Association.
3 Q. So is that another manufacturers
4 association?
5 A. Generic manufacturers.
6 Q. So the HDA was proposing to
7 create a supply chain panel discussion that
8 included pharmacies, distributors and
9 manufacturers, correct?
10 MR. NICHOLAS: Object to the
11 form.
12 THE WITNESS: Yes.
13 MR. NICHOLAS: Go ahead.
14 BY MR. CLUFF:
15 Q. And the purpose was to have a
16 discussion about each association's advocacy
17 priorities for 2014?
18 A. Yes.
19 Q. Was the purpose of that so the
20 industry could coordinate a unified position on
21 their advocacy priorities?
22 MR. NICHOLAS: Object to the
23 form.
24 THE WITNESS: No.

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1 BY MR. CLUFF:
2 Q. What was the purpose?
3 A. The purpose was to hear what each
4 association's priorities were.
5 Q. Why was it important to hear what
6 each association's priorities were?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: Because that would
10 be interesting to learn and we -- again,
11 as a common practice among related and
12 healthcare industry associations to hear
13 about what the priorities are, that's a
14 very common practice, and it's of
15 interest to us.
16 BY MR. CLUFF:
17 Q. So it was a common practice for
18 related trade associations to share their policy
19 positions?
20 A. Yes.
21 Q. And their advocacy priorities?
22 MR. NICHOLAS: Object to the
23 form.
24 THE WITNESS: Yes.

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1 BY MR. CLUFF:
2 Q. You'll have to forgive me, I'm
3 just a kid from southern California. I don't
4 know a lot about Washington, so I'm not trying
5 to -- to use Bob's favorite line, I'm not trying
6 to trick you with these questions, I'm really
7 just trying to understand how these
8 organizations work together.
9 A. Yes.
10 MR. NICHOLAS: Just to --
11 MR. CLUFF: There's not a
12 question pending.
13 MR. NICHOLAS: Also, he also like
14 to say he's a kid from southern
15 California, I've heard him say that in
16 about ten depositions. So, go ahead,
17 Sterling, you may now proceed.
18 MR. CLUFF: Thank you.
19 BY MR. CLUFF:
20 Q. Did any of these trade
21 organizations cooperate together on advocacy or
22 policy positions at all?
23 MR. NICHOLAS: Object to the
24 form.

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1 BY MR. CLUFF:
2 Q. Let me give you an example.
3 Did the HDA ever cooperate or
4 collaborate or coordinate any of those words you
5 want to use with, for example, the NACDS?
6 MR. NICHOLAS: Object to the
7 form.
8 THE WITNESS: I don't know.
9 BY MR. CLUFF:
10 Q. Do you know if the HDA ever
11 worked with PhRMA on advocacy positions or
12 policy positions?
13 MR. NICHOLAS: Objection, form.
14 THE WITNESS: Can you please
15 repeat that.
16 BY MR. CLUFF:
17 Q. Sure. Did the HDA ever work on
18 PhRMA on any advocacy or policy positions?
19 MR. NICHOLAS: Same objection.
20 THE WITNESS: Not that I know of.
21 BY MR. CLUFF:
22 Q. Let's set that document aside.
23 Do you know what the Pain Care
24 Forum is?

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1 A. I've heard of it.
2 Q. Did you ever talk to anybody
3 about joining the Pain Care Forum?
4 A. Well, as I mentioned this
5 morning, I recall Burt Rosen contacting me to
6 see if we wanted to get involved.
7 Q. Do you recall when Burt Rosen
8 contacted you about that?
9 A. Years ago.
10 Q. But you do recall exchanging
11 correspondence with Burt Rosen about the Pain
12 Care Forum?
13 A. Vaguely, yes.
14 MR. CLUFF: I'm going to hand you
15 a copy of document that we're going to
16 mark as Exhibit 4. This was produced by
17 Purdue. It is marked PPLP004301234. I
18 will note for the record that Ms. Rita
19 Norton is an author or recipient of each
20 e-mail in the chain and that the
21 attachment to the document PPLP004301237
22 was delivered to her in the very last
23 e-mail exchange. So give that to you
24 guys and give you a second to look at

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1 it.
2 (Document marked for
3 identification as Norton Deposition
4 Exhibit No. 4.)
5 (Witness reviews document.)
6 BY MR. CLUFF:
7 Q. And just to give you a heads-up,
8 I'm going to work from the bottom up with this
9 e-mail, like we've done for some others, so if
10 you want to start at 4301235 and work your way
11 to the front.
12 A. Okay. (Witness reviews
13 document.) Okay.
14 Q. So let's start on the first page,
15 which ends in 1234. Do you see at the bottom
16 there, there's an e-mail from Burt Rosen to you
17 dated January 30th, 2008?
18 A. Yes.
19 Q. Okay. And the subject line is
20 forward "DEA's probe slowing Cardinal."
21 Do you see that?
22 Okay. So Mr. Rosen's e-mail
23 starts at the bottom of that page and goes to
24 the next. It looks like he starts off by saying

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1 "just left you a voice message," sorry for the
2 inflection there, "glad to get together if
3 useful to you."
4 Do you see that?
5 A. Yes.
6 Q. Do you recall receiving a voice
7 mail from Mr. Rosen at that time?
8 A. No, I don't recall.
9 Q. Do you know why he was offering
10 to get together with you?
11 A. To discuss the Pain Care Forum I
12 would -- is what I recall.
13 Q. Had you had any communications
14 with Mr. Rosen prior to this e-mail about the
15 Pain Care Forum?
16 A. I don't recall.
17 Q. Were you aware of the Pain Care
18 Forum -- I think you've been using the words
19 coalition, so I'll use that, that term.
20 A. I think what happened was HDA got
21 involved or joined the Pain Care Forum or got
22 involved with them, and Scott Melville suggested
23 we talk to Burt -- Scott and Burt and I had
24 known each other for many years -- to just learn

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1 more about it because in Washington it's very
2 common practice for -- to build coalitions on
3 issues. And right around this time we had no
4 idea about, you know, the controlled substances
5 problems that were to develop in the future, but
6 we started to pay more attention to them with
7 these incidents that happened to all our
8 companies where the DEA just shut us down out of
9 the blue.
10 So I imagine I called, reached
11 out to Burt, at Scott's suggestion, to find out
12 who was in it and learn more about it, and
13 that's why he sent me their membership list,
14 which includes patient organizations and
15 providers and, you know, the whole scope of
16 entities that would be impacted by these issues.
17 Q. You testified that you think that
18 HDA got involved with the Pain Care Forum.
19 Let's look at the very last page, which is a
20 document. There's a bold underlined heading
21 that says "Pain Care Forum," underneath that
22 another bold heading that says "Participating
23 Organizations."
24 Do you see that?

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1 A. Yes.
2 Q. Do you see the HDA there
3 anywhere?
4 A. No.
5 Q. Do you see any of the HDA's
6 predecessors there?
7 A. No.
8 Q. So at this point in time, it's
9 fair to say that the HDA was not participating
10 in the Pain Care Forum?
11 MR. NICHOLAS: Object to the
12 form.
13 THE WITNESS: Apparently not. It
14 might have just been Scott and Burt
15 having that prior relationship and
16 talking about it.
17 BY MR. CLUFF:
18 Q. How do you know that Scott -- and
19 referring to Scott, you mean Scott Melville?
20 A. Yes.
21 Q. Of the HDA?
22 A. Mm-hmm.
23 Q. Why do you have a belief that
24 Scott and Burt Rosen from Purdue have some

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1 pre-existing relationship?
2 MR. NICHOLAS: Object to the
3 form, mischaracterizes the testimony.
4 THE WITNESS: Because Scott and I
5 worked for Roche, and I knew Scott
6 before he worked for Roche, when he
7 worked for Sterling and Burt worked for
8 Bristol-Myers Squibb and
9 SmithKlineBeecham, and we all knew each
10 other and saw each other regularly and
11 became friends before we even got to all
12 these different companies and
13 associations that we were with at this
14 time.
15 BY MR. CLUFF:
16 Q. In 2008 it looks like Burt Rosen
17 is forwarding you an e-mail about the DEA probe
18 slowing Cardinal.
19 Do you see that?
20 A. Yes.
21 Q. And there's an article on the
22 second page of this e-mail?
23 A. Yes.
24 Q. What did you understand to be the

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1 issue with Cardinal Health at this time?
2 MR. NICHOLAS: Object to the
3 form.
4 THE WITNESS: I saw that subject
5 line to refer to the title of this
6 article.
7 BY MR. CLUFF:
8 Q. Did you understand that Cardinal
9 may have experienced interruption or a
10 suspension of its -- an interruption of its
11 business at this time?
12 A. Yes.
13 Q. Why was that?
14 A. Because --
15 MR. NICHOLAS: Object to the
16 form.
17 THE WITNESS: Because the DEA had
18 closed their controlled substance
19 distribution and some of their
20 distribution centers.
21 BY MR. CLUFF:
22 Q. Did AmerisourceBergen ever have a
23 suspension of its registration to distribute
24 controlled substances?

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1 A. Yes.
2 Q. And when was that?
3 A. 2006.
4 Q. So approximately two years before
5 Cardinal had their registration suspended?
6 A. I think it was 2006 or 2007.
7 Q. So it's in the same time period,
8 basically?
9 A. Yes.
10 Q. All right. Let's look at your
11 response to Mr. Rosen. It's on the first page.
12 It says, "Burt, we would really appreciate it if
13 we could meet with you on the 13th after 12
14 (lunch?) Chris Zimmerman our VP of Regulatory
15 and Security and Mike Kilpatrick our VP of
16 Communications and Investor."
17 Is that who you intended to
18 include in the meeting?
19 A. Yes.
20 Q. Did you intend to participate in
21 that meeting yourself?
22 A. Yes.
23 Q. You continue and say "they'd like
24 to meet informally."

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1 Do you mean "they" being Chris
2 and Mike?
3 A. Yes.
4 Q. So you continue to say, "They'd
5 like to meet informally with you and talk about
6 our issues and how to work with the Coalition."
7 Do you see that?
8 A. Yes.
9 Q. Who is the "our" you're referring
10 to in that sentence?
11 A. AmerisourceBergen.
12 Q. Were you also interested in
13 working with or getting help about Cardinal
14 Health's issues?
15 A. No.
16 Q. How about McKesson's issues?
17 A. No.
18 Q. Okay. And the coalition there,
19 is that the pain care coalition that we've been
20 talking about?
21 A. I would assume so, based on the
22 way this is written, and I'm not supposed to
23 assume, so I don't know.
24 Q. Well, you referred to a coalition

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1 with a capital C, do you know what that
2 coalition was?
3 A. I'm -- the Pain Care Forum.
4 Q. Okay. Is there a reason that
5 AmerisourceBergen wanted to keep this meeting
6 informal?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: I don't recall
10 specifically, but I remember -- I do
11 recall that we were just trying to learn
12 about who they were and what their focus
13 was. It was -- and that's why it was
14 informal, because, as I mentioned
15 earlier, the -- well, my role is to
16 educate internally as well as our
17 elected officials, and Mike Kilpatrick
18 and Chris Zimmerman had never spent much
19 time in Washington, so I was trying to
20 introduce them, I think, to a coalition
21 so they could understand this is a very
22 common practice in Washington and can be
23 useful.
24 BY MR. CLUFF:

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1 Q. And when you say "this is a very
2 common practice," are you referring to the
3 practice of forming coalitions or working with
4 coalitions?
5 MR. NICHOLAS: Object to the
6 form.
7 THE WITNESS: Yes.
8 BY MR. CLUFF:
9 Q. Okay. And so you were looking on
10 behalf of AmerisourceBergen to meet with Burt to
11 talk about this coalition to see if it could
12 help AmerisourceBergen work out its issues?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: No. We were
16 meeting with Burt to learn about the
17 coalition.
18 BY MR. CLUFF:
19 Q. In the next few e-mails it looks
20 like you and Burt set up a lunch meeting roughly
21 2:00.
22 Do you see that?
23 A. It looks like we could not have
24 lunch so we just had a meeting.

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1 Q. And you ask him if you can e-mail
2 the membership list, that's the second to the
3 top e-mail, that I can share in advance, that
4 would be great.
5 Do you see that?
6 A. Yes.
7 Q. Who would you have shared that
8 membership list with?
9 MR. NICHOLAS: Object to the
10 form.
11 THE WITNESS: Mike Kilpatrick and
12 Chris Zimmerman.
13 BY MR. CLUFF:
14 Q. Anybody else?
15 A. No.
16 Q. And then up at the very top you
17 see there's an attachment that says "Pain Care
18 Forum Lists (02-2008)."
19 Do you see that?
20 A. Yes.
21 Q. And then on the last page,
22 there's a document that says "Pain Care Forum
23 Participating Organizations"?
24 A. Yes.

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1 Q. And then under that it says "last
2 updated: February 2008"?
3 A. Yes.
4 Q. Based on your review of this
5 document, does it appear to be an accurate
6 version of the e-mail and attachment that you
7 would have received in 2008?
8 MR. NICHOLAS: Object to the
9 form.
10 THE WITNESS: I don't recall.
11 BY MR. CLUFF:
12 Q. Do you recall if you, Chris and
13 Mike ended up meeting with Burt Rosen?
14 A. I don't remember. I don't
15 remember that meeting, but we may have.
16 Q. Did you ever discuss the Pain
17 Care Forum with any of your counterparts at
18 Cardinal Health or McKesson?
19 A. I don't remember.
20 Q. Do you recall if you ever
21 discussed the Pain Care Forum with any of your
22 counterparts from the HDA?
23 A. I don't remember. It's a long
24 time ago.

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1 Q. Let's set that to the side for a
2 second.
3 You previously testified that you
4 thought that the HDA eventually became involved
5 in the Pain Care Forum.
6 Do you recall that?
7 A. Yes.
8 MR. CLUFF: I was able to find a
9 membership list and a meeting schedule
10 of the Pain Care Forum online. It's
11 publicly available from 2012, so I'm
12 going to hand you a copy of that, just
13 so we can kind of talk through some of
14 those issues. Since it's gathered from
15 the internet, it doesn't have a Bates
16 number. I'm going to hand you this
17 copy, hand these to counsel.
18 For the record, I'll note that
19 the search I ran to find this document
20 was Pain Care Forum 2012 meeting
21 schedule. I was able to retrieve it
22 from
23 [www.documentcloud.org/documents/3108982-](http://www.documentcloud.org/documents/3108982-pain-care-forum-meetings-schedule-amp.ht)
24 [pain-care-forum-meetings-schedule-amp.ht](http://www.documentcloud.org/documents/3108982-pain-care-forum-meetings-schedule-amp.ht)

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1 ml.
2 MR. NICHOLAS: I mean, I'm
3 obviously not going to prevent you from
4 asking questions about this, but I will
5 preserve an objection on the basis of
6 authenticity.
7 (Document marked for
8 identification as Norton Deposition
9 Exhibit No. 5.)
10 BY MR. CLUFF:
11 Q. When you've had a chance to look
12 at that, Ms. Norton, please let me know.
13 A. (Witness reviews document.)
14 Okay.
15 Q. Have you had a chance to look at
16 it?
17 A. Yes.
18 Q. Okay. Let's just turn to the
19 second page. I know there are not page numbers,
20 and it looks like some portion of the document
21 got cut off at the top, which is an unfortunate
22 retrieval error from the internet, which I will
23 apologize for. At the bottom it's difficult to
24 make out, but it says "Pain Care Forum" and then

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1 underneath that "Participating Organizations."
2 And if you look at the last page
3 of Exhibit 4 that we just discussed, you'll see
4 that there are some similarities between the two
5 documents.
6 A. Right.
7 Q. Do you see that?
8 If you look down at the bottom of
9 the first column on the left-hand side, do you
10 see that it says Healthcare Distribution
11 Management Association --
12 A. Yes.
13 Q. -- two up from the bottom?
14 Does that confirm your
15 recollection that at some point the Healthcare
16 Distribution Management Association, or what is
17 currently referred to as the HDA, was a member
18 of the Pain Care Forum?
19 A. I don't recall.
20 Q. But it's on the list here of
21 participating organizations, correct?
22 MR. NICHOLAS: Okay. I'll object
23 to the form at this point.
24 Go ahead.

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1 THE WITNESS: So I don't -- I
 2 don't know if this is a membership list
 3 or if these were organizations that
 4 participated in a meeting, but -- so I
 5 don't know, but they might have joined.
 6 I don't know for sure.
 7 BY MR. CLUFF:
 8 Q. Looking at the top of that, that
 9 first column, do you see two down from the top
 10 there's Allergan.
 11 Do you see that?
 12 A. Yes.
 13 Q. That's a manufacturer, correct?
 14 A. Yes.
 15 Q. We previously talked about
 16 Allergan and whether or not you had done any
 17 work with any government affairs people from
 18 Allergan.
 19 Do you remember that?
 20 A. Yes.
 21 Q. The next line down is Alliance of
 22 State Pain Initiatives. Is that an organization
 23 you're familiar with?
 24 A. No.

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1 Q. How about the next down from
 2 that, the Academy -- American Academy of Pain
 3 Management.
 4 Do you know that?
 5 A. No.
 6 Q. Have you ever worked with them?
 7 A. No. I don't know, but I don't
 8 recognize that name.
 9 Q. How about the American Academy of
 10 Pain Medicine; do you recognize that name?
 11 A. No.
 12 Q. How about the American Cancer
 13 Society?
 14 A. Yes.
 15 Q. Have you done any work while
 16 you've been employed at AmerisourceBergen with
 17 the American Cancer Society?
 18 A. Not directly.
 19 Q. How about indirectly?
 20 A. Well, I'm on some charitable
 21 organizations with cancer, so indirectly.
 22 Q. How about the American Chronic
 23 Pain Association; do you know that entity?
 24 A. No.

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1 Q. How about two down from that, the
 2 American Pain Foundation?
 3 A. No.
 4 Q. Do you know if AmerisourceBergen
 5 has ever done any work with the American Pain
 6 Foundation?
 7 A. I don't -- I don't know.
 8 Q. One down from that it says
 9 American Pain Society.
 10 Do you recognize that entity?
 11 A. No.
 12 Q. If you continue down into the Cs
 13 in that first column, eventually you'll get to a
 14 name that is Covidien.
 15 Do you recognize that name?
 16 A. Yes.
 17 Q. Is that the -- an affiliated
 18 entity with Mallinckrodt?
 19 A. I don't know. There was I know
 20 some companies split up, but that may have been
 21 part of that.
 22 Q. While you've been employed at
 23 AmerisourceBergen, have you done any work with
 24 Covidien?

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1 A. No.
 2 Q. Has AmerisourceBergen done any
 3 work with Covidien?
 4 A. I don't know.
 5 Q. How about Eli Lilly & Company; do
 6 you recognize that name?
 7 A. Yes.
 8 Q. Is that a manufacturer?
 9 A. Yes.
 10 Q. During your time at
 11 AmerisourceBergen, have you done any work with
 12 Eli Lilly & Company?
 13 A. On physician reimbursement and
 14 340B, yes.
 15 Q. All right. So that's a yes?
 16 A. Yes.
 17 Q. All right. Endo Pharmaceuticals
 18 is the next one down the list.
 19 Do you recognize that name?
 20 A. Yes.
 21 Q. While you've been employed at
 22 AmerisourceBergen, have you done any work with
 23 Endo Pharmaceuticals?
 24 A. Yes.

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1 Q. What would that have been?
2 A. Pardon me?
3 Q. What work would that have been?
4 A. On compounding.
5 Q. What does that mean?
6 A. We have a sterile-to-sterile
7 compounding business, and they have a product
8 that was being compounded, and they sued the FDA
9 so that they would -- the compounding would
10 cease and desist because they said they had
11 active product available.
12 Q. What is a sterile compounding
13 business?
14 A. That's the companies that make --
15 when you go in the hospital and you get a drip
16 bag, that's a product -- that's a pharmaceutical
17 that's been diluted with a diluting substance so
18 that they can feed it into your body through IV.
19 Q. Does that involve compounding
20 pharmaceutical opioids?
21 A. Yes.
22 Q. For what purposes?
23 A. For so that you can be operated
24 on.

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1 Q. And so then is AmerisourceBergen
2 in the business of compounding pharmaceutical
3 opioids?
4 MR. NICHOLAS: Object to the
5 form.
6 THE WITNESS: AmerisourceBergen
7 as a company called PharMEDium that
8 compounds sterile-to-sterile
9 pharmaceuticals, and that includes
10 opioids.
11 BY MR. CLUFF:
12 Q. Moving down from Endo
13 Pharmaceuticals, the next entity is the
14 Federation of State Medical Boards.
15 Do you recognize that name?
16 A. I'm sorry. Can you repeat that,
17 please.
18 Q. Sure. It's the Federation of
19 State Medical Boards, it's four up from the
20 bottom on the first column.
21 A. Oh, I'm not familiar with them.
22 Q. All right. Going to the top of
23 the second column on the right-hand side,
24 there's a name there Johnson & Johnson.

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1 We talked about them, right?
2 A. Yes.
3 Q. Moving down the list, do you see
4 the Purdue Pharma LP is there, close to the
5 bottom third of the page?
6 A. Yes.
7 Q. Did you ever do any government
8 affairs work with Purdue Pharmaceuticals?
9 A. No.
10 Q. Okay. While you've been employed
11 at AmerisourceBergen?
12 MR. NICHOLAS: Objection, asked
13 and answered this morning.
14 Go ahead.
15 THE WITNESS: No.
16 BY MR. CLUFF:
17 Q. And then moving down the list, we
18 also see Teva.
19 Do you see that?
20 A. Yes.
21 Q. We talked about them earlier.
22 And then two down from that is
23 the US Pain Foundation.
24 Do you recognize the US Pain

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1 Foundation?
2 A. No.
3 Q. Do you know if the HDA's
4 participation in the Pain Care Forum, was that
5 in any way motivated by a request from
6 distributor members?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: I don't know.
10 BY MR. CLUFF:
11 Q. Have you ever had any
12 conversations with anybody from the HDA about
13 the Pain Care Forum?
14 A. Just the one I mentioned earlier
15 with Scott Melville.
16 Q. Do you recall what you discussed
17 with Scott Melville about the Pain Care Forum?
18 A. As I recall, he suggested we talk
19 to them, just to learn about them, which we did.
20 Q. Was any action taken at
21 AmerisourceBergen after this meeting with Burt
22 Rosen?
23 A. We decided not to join.
24 Q. Why was that?

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1 A. Because it didn't make sense for
2 us.
3 Q. Who is the "we" that decided not
4 to join?
5 A. Chris, Mike and myself.
6 Q. Did you consult with anybody else
7 before that decision was made?
8 A. I don't recall.
9 Q. Why did it not make sense for
10 AmerisourceBergen to participate in the Pain
11 Care Forum?
12 A. I don't remember why we decided,
13 but I think we -- well, we wanted to learn about
14 them because we -- there is a legitimate need
15 for pain medication and we recognize that, and
16 these -- many of these organizations and this
17 coalition are patient organizations, and they
18 were expressing concerns about access when these
19 shutdowns would occur. So I think that's why,
20 as I recall, we had this conversation, but it
21 was a learning -- it was a learning experience,
22 and that was it.
23 Q. You said there's a legitimate
24 need for pain medication. What is that opinion

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1 based on?
2 MR. NICHOLAS: I'll object to the
3 form.
4 THE WITNESS: So when you get
5 your knee replaced, you need pain
6 medication, or when you get your tonsils
7 out or your appendix out, you need pain
8 medication.
9 BY MR. CLUFF:
10 Q. You're not a doctor, are you,
11 Ms. Norton?
12 A. When you're dying of cancer --
13 MR. NICHOLAS: Hold on. You
14 asked her a question, she started to
15 answer.
16 MR. CLUFF: I'll let her finish.
17 MR. NICHOLAS: You interrupted
18 her. I know you don't like hearing what
19 she has to say.
20 MR. CLUFF: Everything's cool,
21 Bob. I said I'll let her finish.
22 MR. NICHOLAS: It's the first
23 time you've interrupted her all day.
24 MR. CLUFF: I know, Bob. I don't

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1 need to be told about it five times.
2 MR. NICHOLAS: I told you about
3 it three times.
4 MR. CLUFF: Okay. I don't need
5 to be told about it three times.
6 THE WITNESS: So there's a
7 recognized need for pain medication.
8 BY MR. CLUFF:
9 Q. Who is it recognized by?
10 MR. NICHOLAS: Object to the
11 form.
12 THE WITNESS: Doctors, patients,
13 the public at large.
14 BY MR. CLUFF:
15 Q. Have you ever talked to any of
16 the manufacturers about their opinion about pain
17 medicine?
18 A. No.
19 Q. Did you ever talk to anybody from
20 a manufacturer or a trade organization about
21 advocating in favor of pain management?
22 A. No, not that I recall, but no.
23 Q. Has AmerisourceBergen ever
24 supported any initiatives to advocate in favor

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1 of treating chronic pain?
2 A. No.
3 Q. So then where did you develop
4 this understanding that these pain medications
5 are necessary?
6 MR. NICHOLAS: Object to the
7 form.
8 THE WITNESS: From personal
9 experience.
10 BY MR. CLUFF:
11 Q. But nothing else?
12 MR. NICHOLAS: Object to the
13 form.
14 THE WITNESS: Well,
15 AmerisourceBergen was sued once for
16 withholding pain medication, so I'm -- I
17 mean, there's many reasons why people
18 need -- legitimately need pain
19 medication, and we were ensuring that --
20 doing everything we could to ensure that
21 that access would be maintained.
22 BY MR. CLUFF:
23 Q. You just referenced a lawsuit,
24 and I'll caution you that if there was a lawsuit

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1 and you learned anything about a lawsuit from
2 counsel that you shouldn't disclose anything you
3 learned about that lawsuit from counsel.
4 A. Okay. I don't know anything
5 about it other than that.
6 MR. NICHOLAS: Well, I think
7 unless you've got some continuation of
8 this line of questioning, it is a good
9 time for a break.
10 MR. CLUFF: How long have we been
11 going?
12 THE VIDEOGRAPHER: One hour and
13 eight minutes.
14 MR. CLUFF: Good time for a
15 break.
16 MR. NICHOLAS: Okay.
17 THE VIDEOGRAPHER: Going off the
18 record at 2:09 p.m.
19 (Brief recess.)
20 THE VIDEOGRAPHER: We are back on
21 the record at 2:29.
22 BY MR. CLUFF:
23 Q. Ms. Norton, we're back on the
24 record, so we'll all back under oath.

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1 Do you still understand that?
2 A. Yes, I do.
3 Q. I want to talk about the HDA
4 probably for the bulk of the afternoon now, and
5 to start off, I'd like to give you a copy of a
6 document that was produced by AmerisourceBergen.
7 It's Bates marked ABDCMDL00367642. It's number
8 81 for Mr. Trial Tech.
9 (Document marked for
10 identification as Norton Deposition
11 Exhibit No. 6.)
12 BY MR. CLUFF:
13 Q. It appears to be an e-mail that
14 you originally authored and which you received a
15 reply to.
16 A. (Witness reviews document.)
17 Q. Have you had a chance the read
18 that?
19 A. Yes.
20 Q. So the subject of the e-mail is
21 "Check In Follow Ups."
22 Do you see that --
23 A. Yes.
24 Q. -- at the very top there?

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1 Who is Annette Hegler?
2 A. My sister.
3 Q. And she is the sender of the top
4 e-mail, correct?
5 A. Yes.
6 Q. She sends that to you, the very
7 top e-mail --
8 A. Yes.
9 Q. -- it looks like.
10 And then immediately underneath
11 that it says on Tuesday, October 17, 2017 at
12 9:41 Rita Norton wrote, "A little perspective
13 from the side of reality! For my friends and
14 family."
15 Do you see that?
16 A. Yes.
17 Q. Looking down underneath that, it
18 looks like it says, "Thanks for all the info,
19 Rita. I had a feeling that Rannazzisi character
20 is less than trustworthy and has an ax to grind
21 for some reason."
22 Would your sister Ms. Hegler have
23 written that portion of this e-mail?
24 A. Yes.

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1 Q. The portion that says, a little
2 bit -- "A little perspective from the side of
3 reality! For my friends and family," did you
4 write that?
5 A. Yes.
6 Q. So underneath the portion that
7 your sister wrote, there's a bold portion that
8 says "Updated Statement."
9 Do you see that?
10 A. Yes.
11 Q. Okay. The first line of that
12 first paragraph underneath it says, "The 60
13 Minutes and Washington Post investigation is a
14 one-dimensional presentation of a multi-faceted
15 public health crisis."
16 Do you see that?
17 A. Yes.
18 Q. And then if you flip to the next
19 page, which is ABDCMDL00367643, there's a
20 signature block at the bottom says "John Parker,
21 Senior Vice President, Communications,
22 Healthcare Distribution Alliance."
23 A. Yes.
24 Q. So is this updated statement

<p style="text-align: right;">Page 202</p> <p>1 looking at it and that signature block, do you 2 understand if this is something that the HDA 3 would have distributed through John Parker? 4 A. I don't recall. 5 Q. You've had a chance to read this 6 entire document, though, correct? 7 A. Yes. 8 Q. Okay. And did you read the 9 portion, the three paragraphs that follow the 10 Updated Statement bold heading? 11 A. Yes. 12 Q. Having read those, do you have an 13 understanding of who would have written those? 14 A. I don't remember. 15 Q. Is it possible that it could have 16 come from the HDA? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: I don't know. 20 BY MR. CLUFF: 21 Q. Is it something that you would 22 have written on behalf of AmerisourceBergen? 23 A. No. 24 Q. Would it have come from any other</p>	<p style="text-align: right;">Page 204</p> <p>1 BY MR. CLUFF: 2 Q. How about Cardinal Health and 3 McKesson? 4 A. Yes. 5 Q. And, presumably, it would include 6 the other distributors who are members of the 7 HDA as well? 8 MR. NICHOLAS: Object to the 9 form, lack of foundation. 10 THE WITNESS: Yes. 11 BY MR. CLUFF: 12 Q. That paragraph continues, it 13 says, "We support actions taken by the FDA, the 14 CDC, the DEA and others to reduce the potential 15 for overprescribing while preserving pain 16 treatment options for those for whom there is no 17 other option." 18 Do you see that? Let's do this, 19 did I read that correctly? 20 A. Yes. 21 Q. Okay. Do you have any 22 understanding about what that sentence means? 23 MR. NICHOLAS: Object to the 24 form.</p>
<p style="text-align: right;">Page 203</p> <p>1 supply chain members in the supply chain 2 industry? 3 MR. NICHOLAS: Object to the 4 form, lack of foundation. 5 THE WITNESS: I don't remember. 6 BY MR. CLUFF: 7 Q. Okay. I want to look at the last 8 paragraph in this section under Updated 9 Statement. It says, "The opioid epidemic is a 10 national tragedy and distributors are committed 11 to doing our part to address this crisis." 12 Do you see that? 13 A. Yes. 14 Q. Who are the distributors do you 15 think that are referenced in that statement? 16 MR. NICHOLAS: Object to the 17 form, lack of foundation. 18 THE WITNESS: Pharmaceutical 19 distributors. 20 BY MR. CLUFF: 21 Q. Would that include 22 AmerisourceBergen? 23 MR. NICHOLAS: Same objection. 24 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 205</p> <p>1 THE WITNESS: Yes. 2 BY MR. CLUFF: 3 Q. Okay. What actions -- it's tough 4 because we -- you don't seem to understand who 5 wrote the e-mail, so I'm trying to understand 6 who this "we" is that is speaking. 7 Do you have any understanding 8 from reading that sentence who the "we" is that 9 is speaking? 10 A. So I am not responsible for 11 communications. We have a communications 12 department who works with our trade association, 13 and many things were developed to respond to the 14 Washington Post and 60 Minutes. I don't have 15 any recollection of where this came from or 16 who -- why I sent this to my sister. I don't 17 know. I don't remember. 18 Q. Going back up to the top of the 19 document, there's this line "a little 20 perspective from the side of reality," do you 21 see that? 22 A. Yes. 23 Q. And then you continue "for my 24 friends and family."</p>

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1 Do you see that?

2 A. Yes.

3 Q. Does that refresh your

4 recollection on why you might have sent this

5 article to your family?

6 A. Because anyone who saw 60 Minutes

7 saw a perspective, and we saw many inaccuracies,

8 and so I think that this was -- I shared this

9 with my sister so she could see there was other

10 facts that were not -- that were not

11 communicated in that, in those pieces.

12 Q. So I'm trying to understand where

13 then this information would have come from,

14 especially the last paragraph where it says "we

15 support," I'm trying to figure out who the "we"

16 would be. Is that the HDA? Is it some group of

17 distributors?

18 MR. NICHOLAS: Object to the

19 form, lack of foundation.

20 THE WITNESS: I don't know.

21 BY MR. CLUFF:

22 Q. Okay. So looking at this

23 document, do you believe that anything in here

24 was from a credible source?

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1 MR. NICHOLAS: Okay. I'll object

2 to the form. That's an inappropriate

3 question.

4 MR. CLUFF: No, it's not.

5 MR. NICHOLAS: Go ahead. I'm

6 objecting to the form. I think it's an

7 inappropriate question, and there's no

8 foundation. She said four or five times

9 she doesn't know where the document came

10 from or who wrote it.

11 MR. CLUFF: Let me ask a

12 different question. Bob, also, we all

13 know that the Special Master called and

14 said that we really shouldn't be talking

15 to each other for more than ten seconds.

16 MR. NICHOLAS: That wasn't ten

17 seconds.

18 MR. CLUFF: I was just going to

19 say I think we've done a reasonably good

20 job here. Let's cut the speaking

21 objections back down to how we've been

22 doing it in the future -- I mean in the

23 past.

24 MR. NICHOLAS: Sterling, we will

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1 do that, if you -- we will do that. It

2 becomes increasingly difficult to do if

3 your questions become inappropriate, so

4 there's a cause and effect.

5 MR. CLUFF: Bob, you're allowed

6 to make an objection. If you think the

7 objection -- or if the question is

8 inappropriate, you're not allowed to

9 make a speaking about it. With that

10 understood, you're free to make your

11 objection. I'm going to continue my

12 questioning. Do you understand that?

13 MR. NICHOLAS: Yeah, yeah, yeah.

14 You should definitely --

15 MR. CLUFF: Okay, great. So we

16 have an understanding. We don't need to

17 have more conversation about it.

18 MR. NICHOLAS: You --

19 MR. CLUFF: Bob, you're

20 continuing to talk. It's ridiculous.

21 MR. NICHOLAS: Sterling, you have

22 a bad habit when you don't like what

23 you're hearing of interrupting and not

24 letting the other person who is talking

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1 finish. I haven't done a lot of

2 interrupt -- I haven't done any

3 interrupting today. I've made very,

4 very, very few objections that go beyond

5 two or three words. I have not made

6 objections that last more than ten

7 seconds, so I think your lecture to me

8 is inappropriate.

9 BY MR. CLUFF:

10 Q. Rita, you forwarded this e-mail

11 or this information to your sister, right?

12 A. Yes.

13 Q. Did you have a belief at the time

14 you forwarded it to her that it was from a

15 reliable source?

16 A. Yes.

17 Q. What would a reliable source be

18 for this information?

19 MR. NICHOLAS: Object to the

20 form.

21 THE WITNESS: I don't know.

22 BY MR. CLUFF:

23 Q. Let's go back to that third

24 paragraph. It says, "We support actions taken

<p style="text-align: right;">Page 210</p> <p>1 by the FDA, the CDC and the DEA." We talked 2 about that. 3 Did AmerisourceBergen support 4 actions taken by the FDA, the CDC and the DEA? 5 MR. NICHOLAS: Object to the 6 form. 7 THE WITNESS: To reduce the 8 potential for overprescribing, yes. 9 BY MR. CLUFF: 10 Q. Okay. Do you know if Cardinal 11 Health supported those same -- those same 12 actions taken by the FDA, the CDC and the DEA? 13 A. I don't know. 14 Q. Do you know if McKesson supported 15 those actions taken by the FDA, the CDC and the 16 DEA? 17 A. I don't know. 18 Q. Has AmerisourceBergen ever worked 19 with any members of the HDA to attack former DEA 20 agents? Let me rephrase the word "attack." 21 Attack the testimony of DEA 22 agents? 23 MR. NICHOLAS: Object to the 24 form, foundation.</p>	<p style="text-align: right;">Page 212</p> <p>1 MR. MAHADY: HDA employees. 2 MR. CLUFF: Yeah, 3 AmerisourceBergen employees. I might 4 have handed you my copy. Can you hand 5 me back one. Thanks. It's number 54. 6 MS. HOSMER: This is Heather 7 Hosmer on the phone. Could you read the 8 Bates number, please. 9 MR. CLUFF: Sure. It's 10 HDA_MDL_000030946 to 30947. 11 MS. HOSMER: Thanks very much. 12 (Witness reviews document.) 13 BY MR. CLUFF: 14 Q. Have you had a chance to review 15 this document? 16 A. Yes. 17 Q. Okay. Do you recall receiving 18 this document or this e-mail from Brad Tallamy 19 in December 2017? 20 A. Yes. 21 Q. So it appears to be only one 22 e-mail that covers two pages, but it's from Brad 23 Tallamy to Kristen Freitas? 24 A. Yes.</p>
<p style="text-align: right;">Page 211</p> <p>1 THE WITNESS: No. 2 MR. NICHOLAS: Go ahead. 3 BY MR. CLUFF: 4 Q. Has AmerisourceBergen ever worked 5 with any other members of the HDA to undermine 6 the credibility of former DEA agents? 7 MR. NICHOLAS: Objection to form, 8 foundation. 9 THE WITNESS: No, and I don't 10 know. 11 MR. CLUFF: Let me hand you a 12 copy of a document that was produced by 13 the HDA. It's from Brad Tallamy, who is 14 an AmerisourceBergen employee, to 15 Kristen Freitas. Copied on the e-mail 16 are Rita Norton and Beth Mitchell, who 17 are also both HDA employees. I'm going 18 to mark it as Exhibit 7. 19 (Document marked for 20 identification as Norton Deposition 21 Exhibit No. 7.) 22 MR. MAHADY: AmerisourceBergen 23 employees? 24 MR. CLUFF: What did I say?</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Is that the same Kristen Freitas 2 that we discussed worked at the HDA? 3 A. Yes. 4 Q. And you received a copy of it and 5 so did Beth Mitchell, correct? 6 A. Yes. 7 Q. What does "T/I Questions" stand 8 for in the subject line? 9 A. I don't know. 10 Q. Moving down into the first 11 paragraph it says, "Kristen, we had a great 12 meeting with Smucker today and are seeing 13 Barletta tomorrow." 14 A. It's the Transportation and 15 Infrastructure Subcommittee, that's what T/I is. 16 Q. So T/I in the subject line stands 17 for Transportation and Infrastructure Committee? 18 A. Mm-hmm. 19 Q. Is that a Senate or a House 20 committee? 21 A. House subcommittee. 22 Q. And so this is about questions 23 for the Transportation and Infrastructure 24 Committee?</p>

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1 A. Yes.
2 Q. Understood.
3 Then so moving down into the body
4 of the e-mail Brad writes, "Kristen, we had a
5 great meeting with Smucker today and are being
6 Barletta tomorrow."
7 Are those Congresspeople?
8 A. Yes.
9 Q. The e-mail continues "Below are
10 questions we prepped when Joe R was expected and
11 have tailored."
12 So the "we" in those two
13 sentences, is that "we" AmerisourceBergen?
14 A. Yes.
15 Q. Is Joe R, Joe Rannazzisi?
16 A. Yes.
17 Q. And he's a former DEA agent,
18 right?
19 A. Yes.
20 Q. Brad asks, "Are you OK with us
21 sending these to Smucker and Barletta after we
22 meet with him tomorrow?"
23 So is that Brad asking the HDA
24 commission to send these questions out?

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1 A. Yes. He's not asking me. He's
2 asking Kristen just if she's comfortable with us
3 sending those.
4 Q. Right, that was my question. So
5 is that Brad asking the HDA for permission to
6 send these questions out?
7 A. Not permission, but just ensuring
8 it's consistent, I guess, with their thinking or
9 what they're preparing.
10 Q. So is it important to
11 AmerisourceBergen to make sure these questions
12 were consistent with what the HDMA was doing?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: I didn't say that
16 right. It's just -- I think it was just
17 a courtesy to run those by Kristen.
18 BY MR. CLUFF:
19 Q. So there's three lines of bold
20 underlined text. The first two say "House
21 Transportation and Infrastructure Subcommittee
22 on Economic Development, Public Buildings and
23 Emergency Management."
24 Do you see that?

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1 A. Yes.
2 Q. And then the next is "Draft
3 questions for Jonathan Novak"?
4 A. Yes.
5 Q. Do you know who Jonathan Novak
6 is?
7 A. No.
8 Q. Is he a former DEA agent as well?
9 A. I don't know.
10 Q. Let's look at the motivation
11 section.
12 The first bullet point says, "To
13 confirm, your fellow whistleblower
14 Mr. Rannazzisi is currently consulting on behalf
15 of plaintiffs' attorneys engaged in litigation
16 against drug manufacturers and wholesalers?"
17 Do you see that?
18 A. Yes.
19 Q. Do you know how Brad knew that
20 Mr. Rannazzisi was consulting on behalf of
21 plaintiffs' attorneys?
22 MR. NICHOLAS: Object to the
23 form.
24 THE WITNESS: It was in the

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1 newspaper.
2 BY MR. CLUFF:
3 Q. The next one says, "So he stands
4 to benefit financially if the supply chain
5 stakeholders you both have criticized in the
6 media reach settlements? Why are we to believe
7 you both are credible voices in this debate?"
8 Do you see that?
9 A. Yes.
10 Q. Is that a question designed to
11 attack the credibility of Mr. Rannazzisi?
12 MR. NICHOLAS: Object to the
13 form.
14 THE WITNESS: I don't know.
15 BY MR. CLUFF:
16 Q. Well, the question asks if
17 Mr. Rannazzisi or Mr. Novak are credible voices,
18 correct?
19 A. It's a question. I don't know --
20 I don't know that it was to undermine anyone's
21 credibility.
22 Q. What would a point of a question
23 about credibility be if not to undermine it?
24 MR. NICHOLAS: Okay, well, I'll

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<p>1 object to the question, unless it was 2 rhetorical. 3 MR. CLUFF: It's not rhetorical. 4 MR. NICHOLAS: Object to the form 5 of the question. 6 THE WITNESS: I don't know. I 7 didn't write it, so I can't say with 8 certainty. 9 BY MR. CLUFF: 10 Q. That's fair. 11 Did Brad tell you that he was 12 writing these questions? 13 A. Yes. 14 Q. What did he tell you about 15 writing these questions? 16 A. I don't recall. 17 Q. Are you aware that at any point 18 in time between 2004 and the present during your 19 work at AmerisourceBergen that the HDMA helped 20 its members to create a joint DEA strategy? 21 A. No. 22 Q. In response to the opioid 23 litigation that's been filed against your client 24 and other manufacturers, distributors and</p>	<p>1 A. Yes. 2 Q. Isn't that an attempt to blame 3 the DEA for the opioid crisis? 4 MR. NICHOLAS: Object to the 5 form. 6 THE WITNESS: I don't know. I 7 don't know how you interpret this. I 8 didn't write this. I just -- it is what 9 it is. I don't know. 10 BY MR. CLUFF: 11 Q. Did you read this e-mail when it 12 was sent to you? 13 A. Yes. 14 Q. Did you ever look at it and say 15 we should not be attacking the DEA with these 16 questions? 17 MR. NICHOLAS: Object to the 18 form, lack of foundation. 19 THE WITNESS: These questions 20 were suggestions that were prepared at 21 the request of legislators or -- I don't 22 even think they were prepared at the 23 request. We are -- in the event we were 24 requested questions for a hearing in</p>
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<p>1 pharmacies, have you ever participated in a 2 meeting to create a joint strategy to respond to 3 the litigation? 4 A. No. 5 Q. Has a meeting ever been suggested 6 to do that? 7 A. No. 8 Q. Do you know if there's ever been 9 a coordination of efforts to blame the DEA for 10 the opioid crisis? 11 A. No. 12 Q. Is the answer that you do not 13 know or that there has never been a coordination 14 of that effort? 15 A. Not -- no, I have not seen that, 16 and I don't know if there has been. 17 Q. Let's look at the third bullet 18 point of that motivation section. At the end 19 there is a bold section it says, "Is your recent 20 'whistleblowing' really an attempt to mask a 21 failed enforcement policy during the worse years 22 of the opioid epidemic, and pass blame elsewhere 23 while now profiting off this terrible epidemic?" 24 Do you see that?</p>	<p>1 which the DEA was going to testify. I 2 don't even know that these were ever 3 even shared with anybody, so I don't -- 4 I can't say. 5 BY MR. CLUFF: 6 Q. Did you ever look at these and 7 say maybe we shouldn't suggest attacking the DEA 8 in questions that are going to asked of them 9 during a committee hearing? 10 MR. NICHOLAS: Objection, lack of 11 foundation. Object to the form, asked 12 and answered. 13 THE WITNESS: No, we wanted to 14 work with the DEA. We weren't 15 interested in attacking the DEA. We 16 wanted to restore our relationship with 17 the DEA. 18 BY MR. CLUFF: 19 Q. Let's look at the word "Quotas" 20 there, the next bullet point down. I'm just 21 trying to understand this statement you made 22 that "we wanted to work with the DEA." 23 The first bullet point says, "If 24 Mr. Rannazzisi was so concerned about going</p>

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1 after the 'choke point,' why did he approve
2 increased opioid production quotas year after
3 year as the epidemic worsened?"
4 Do you see that?
5 A. Yes.
6 Q. Does that feel like it's a
7 question designed to work with the DEA?
8 MR. NICHOLAS: Object to the
9 form.
10 THE WITNESS: Mr. Rannazzisi was
11 no longer at the DEA.
12 MR. CLUFF: I don't think that
13 answers my question.
14 Go ahead, Bob.
15 MR. NICHOLAS: Objection. She
16 answered your question.
17 MR. CLUFF: No, she answered your
18 question, so I'll answer my -- I'll ask
19 my question again.
20 BY MR. CLUFF:
21 Q. This question about
22 Mr. Rannazzisi going after the choke point and
23 increasing opioid production quotas, he would
24 have been approving opioid production quotas

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1 while he was at the DEA, right?
2 MR. NICHOLAS: Object to the
3 form.
4 THE WITNESS: Yes.
5 BY MR. CLUFF:
6 Q. So does this question -- is this
7 question designed to work with the DEA, or is it
8 designed to attack the DEA?
9 MR. NICHOLAS: Object to the
10 form, asked and answered, badgering.
11 THE WITNESS: We wanted to work
12 with the DEA and Mr. Rannazzisi was no
13 longer at the DEA when this would have
14 been asked.
15 BY MR. CLUFF:
16 Q. Let's turn to the next page.
17 There's a bold heading there "DEA Registration."
18 It says, "You blame distributors for
19 exacerbating the opioid crisis, yet they are
20 filling orders by DEA licensed pharmacists who
21 provide medications to DEA licensed physicians."
22 Do you see that?
23 A. Yes.
24 Q. You continue or -- excuse me --

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1 Brad continues and says, "You cannot get a
2 legitimate controlled substance from a
3 distributor without a valid prescription."
4 Do you see that?
5 A. Yes.
6 Q. Then there's a question. "What
7 due diligence did DEA perform on pharmacies and
8 prescribers in this region or across the country
9 before issuing a registration to allow them to
10 prescribe and dispense controlled substances?"
11 Do you see that?
12 A. Yes.
13 Q. Is that a question that's
14 designed to work with the DEA or blame the DEA?
15 MR. NICHOLAS: Object to the
16 form, lack of foundation.
17 THE WITNESS: All I can say is we
18 wanted to work with the DEA. We wanted
19 to restore the relationship we had
20 previously with the DEA.
21 BY MR. CLUFF:
22 Q. Can you point to me a statement
23 in this two-page e-mail that says we want to
24 work with the DEA, or we want to restore the

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1 relationship we had with the DEA?
2 MR. NICHOLAS: Object to the
3 form, argumentative, lack of foundation,
4 since she didn't write it.
5 THE WITNESS: No.
6 MR. CLUFF: I'm going to hand you
7 another document. This one is produced
8 by AmerisourceBergen. It's Bates
9 stamped ABDCMDL00161397. It's an e-mail
10 that you wrote or that you replied to
11 that you received from Patrick Kelly.
12 There's an attachment which are
13 "Industry talking points on opioid
14 abuse," they're attached to the e-mail.
15 The attachment begins on
16 ABDCMDL00161398. And for Mr. Mike down
17 there, that is number 45.
18 (Document marked for
19 identification as Norton Deposition
20 Exhibit No. 8.)
21 BY MR. CLUFF:
22 Q. To save some time, I'm just going
23 to ask you some questions to begin with on the
24 first page of this document, which is the

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1 e-mails.
 2 If you want to read the entirety
 3 of the attachment, I am going to have some
 4 questions about it. You can do that now, or you
 5 can do it in a second, whichever you prefer.
 6 A. (Witness reviews document.)
 7 Q. We've been talking a lot about
 8 today -- a lot today about agreements and
 9 coordination, I'm sure you've been aware of
 10 that.
 11 So I want to start with
 12 Mr. Patrick Kelly's e-mail to you and to Kristen
 13 Freitas, subject line, forward: "Industry
 14 talking points" at the bottom of the first page.
 15 Do you see that?
 16 It says Rita, not sure my
 17 previous e-mail got through from my phone but
 18 hopefully the attached Word document is
 19 accessible.
 20 Do you see that?
 21 A. Yes.
 22 Q. All right. Up at the top of the
 23 e-mail, there is an attachment that you include
 24 to various individuals from AmerisourceBergen?

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1 A. Yes.
 2 Q. Have you reviewed that attachment
 3 as part of this document that's been marked as
 4 Exhibit 8?
 5 A. Yes.
 6 Q. Is that the same exhibit that you
 7 received from Kristen Freitas and Patrick Kelly?
 8 A. Yes.
 9 Q. All right. So Mr. Kelly, he
 10 continues in the second paragraph of his e-mail
 11 and says, "As agreed upon by the companies that
 12 crafted these talking points."
 13 You've had a chance to review
 14 these talking points, correct?
 15 A. I don't recall.
 16 Q. Who would have the companies --
 17 who would the companies have been who crafted
 18 talking points like this?
 19 MR. NICHOLAS: Object to the
 20 form.
 21 THE WITNESS: I don't recall. I
 22 don't remember. I would have -- I don't
 23 know. I don't -- I don't remember who
 24 put this document together.

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1 BY MR. CLUFF:
 2 Q. So stepping back a second then,
 3 just generally, this document confirms that some
 4 companies crafted these talking points?
 5 MR. NICHOLAS: Object to the
 6 form.
 7 THE WITNESS: Possibly HDA
 8 drafted this document and circulated it
 9 and got comments on it, I don't
 10 remember.
 11 BY MR. CLUFF:
 12 Q. Who would the HDA have circulated
 13 it to?
 14 A. Member companies.
 15 Q. You say member companies?
 16 A. Yes.
 17 Q. The last sentence of Mr. Kelly's
 18 e-mail says, these are simply agreed upon
 19 talking points to be used by staff in meetings
 20 where we are called upon to explain the role of
 21 distributors, correct?
 22 A. Yes.
 23 Q. So do these talking points
 24 essentially reflect an industry -- well, an

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1 agreed upon way in which HDMA member companies
 2 were going to talk about opioid abuse?
 3 MR. NICHOLAS: Objection to the
 4 form and lack of foundation.
 5 Go ahead.
 6 THE WITNESS: These are facts
 7 about the pharmaceutical distribution
 8 industry and our efforts to prevent
 9 diversion.
 10 BY MR. CLUFF:
 11 Q. Can you show me where on the face
 12 of this document it says facts?
 13 MR. NICHOLAS: Object to the
 14 form. It's not an English test.
 15 THE WITNESS: No.
 16 BY MR. CLUFF:
 17 Q. These are talking points?
 18 MR. NICHOLAS: Object to the
 19 form.
 20 BY MR. CLUFF:
 21 Q. Right?
 22 MR. NICHOLAS: Object to the
 23 form.
 24 THE WITNESS: In this case it's

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1 the same thing.
2 BY MR. CLUFF:
3 Q. Can you show me in this e-mail
4 from Mr. Kelly or that you share with the people
5 at AmerisourceBergen where you say that these
6 talking points should be considered facts?
7 MR. NICHOLAS: Object to the
8 form, just argument, you're just
9 arguing.
10 Go ahead.
11 THE WITNESS: I'm just calling
12 them facts.
13 BY MR. CLUFF:
14 Q. Okay. So you're going to call
15 them facts, but I'm going to say talking points
16 because that's what this document says. I'm
17 just going to be clear so we understand which
18 words we're using.
19 MR. NICHOLAS: Object to the
20 form, arguing.
21 BY MR. CLUFF:
22 Q. So regardless if you want to call
23 them facts or talking points, I think this
24 e-mail we can agree states that these are simply

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1 agreed upon talking points to be used by staff,
2 correct?
3 A. Yes.
4 Q. And I believe you testified
5 earlier that if the HDA circulated these to
6 companies, it would have been member
7 distributors?
8 MR. NICHOLAS: Object to the
9 form.
10 Go ahead.
11 THE WITNESS: Members of HDA.
12 BY MR. CLUFF:
13 Q. So that would include, for
14 example, AmerisourceBergen, Cardinal Health and
15 McKesson?
16 A. Yes, among others.
17 Q. Look at the next page it says
18 "Industry talking points on opioid abuse,"
19 November 6, 2016. There's another heading that
20 says "Document Objective."
21 Do you see that?
22 A. Yes.
23 Q. It says, "This document is
24 intended to serve as an omnibus version of our

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1 talking points."
2 Is that "our" as the HDA?
3 MR. NICHOLAS: Object to the
4 form, lack of foundation.
5 THE WITNESS: I would say our as
6 pharmaceutical distribution industry.
7 BY MR. CLUFF:
8 Q. So the pharmaceutical
9 distribution industry had commonly used talking
10 points?
11 MR. NICHOLAS: Object to the
12 form, mischaracterizes the testimony.
13 THE WITNESS: What's the
14 question?
15 BY MR. CLUFF:
16 Q. Well, I asked you about the
17 purpose of this document, and you said that this
18 was our pharmaceutical industry -- distribution
19 industry talking points, so I was just trying to
20 understand if that means that the pharmaceutical
21 distribution industry had like commonly accepted
22 talking points?
23 MR. NICHOLAS: Object to the
24 form. I think you're paraphrasing it.

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1 That's not what she said.
2 BY MR. CLUFF:
3 Q. Do you understand my question,
4 Ms. Norton?
5 A. We had lots of talking points,
6 lots of fact documents, lots of information that
7 we shared among each other, and this was just
8 one of them, to be educational.
9 Q. Who is the "we" you're referring
10 to?
11 A. Our industry.
12 Q. When you say "our industry," who
13 do you include within that?
14 A. Pharmaceutical distributors.
15 Q. Did "our industry" also include
16 pharmaceutical manufacturers?
17 A. No.
18 Q. How about pharmacies?
19 A. Only those that distribute.
20 Q. So you had lots of talking points
21 and lots of fact documents and lots of
22 information that you shared among each other; is
23 that accurate?
24 A. Yes.

<p style="text-align: right;">Page 234</p> <p>1 Q. And this talking points document, 2 do you feel that it's a good example of one of 3 those kinds of things that have would been 4 shared?</p> <p>5 MR. NICHOLAS: Object to the 6 form, lack of foundation.</p> <p>7 THE WITNESS: This is just 8 informational education to educate 9 anyone who was interested about our 10 industry, the distribution industry.</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. And then my question went a 13 little further, it was that is this document an 14 example of something that would have been shared 15 within the industry?</p> <p>16 MR. NICHOLAS: Object to the 17 form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. CLUFF:</p> <p>20 Q. Going back to the HDA. 21 Have there been other instances, 22 in your memory, where the HDA was working on 23 behalf of its members to facilitate the sharing 24 of information?</p>	<p style="text-align: right;">Page 236</p> <p>1 December 2006." The sender is HDMA CEO 2 quarterly jgray@hdmanet.org. There's a 3 to line at the top, Hilliard, Gary. 4 Underneath that there appears to be the 5 text of a HDMA CEO quarterly release. 6 Please go ahead and read that.</p> <p>7 (Document marked for 8 identification as Norton Deposition 9 Exhibit No. 9.) 10 (Witness reviews document.)</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. Actually, I'll be candid, if you 13 read it there, it's a rather voluminous 14 document. I don't really want to waste your 15 time going through the whole thing. I have 16 questions on the first two pages and 17 predominantly the first page. If you'd like me 18 to just walk you through those and give you a 19 chance to like review the paragraphs I want to 20 ask you about, that would probably cut down the 21 time, if it's okay with your counsel.</p> <p>22 MR. NICHOLAS: Why don't you at 23 least flip through the whole document to 24 see what's in it and take it one step at</p>
<p style="text-align: right;">Page 235</p> <p>1 MR. NICHOLAS: Object to the 2 form.</p> <p>3 THE WITNESS: That's the role of 4 a trade association.</p> <p>5 BY MR. CLUFF:</p> <p>6 Q. Can you give me some examples of 7 information that the HDA would have helped 8 facilitate the sharing between its members?</p> <p>9 MR. NICHOLAS: Objection, 10 overbroad, form.</p> <p>11 THE WITNESS: On tax issues.</p> <p>12 BY MR. CLUFF:</p> <p>13 Q. Would the HDA have helped share 14 information about DEA strategies?</p> <p>15 A. I don't know.</p> <p>16 MR. CLUFF: I'm going to hand you 17 a copy of a document that's been 18 produced by McKesson. I met and 19 conferred with counsel for McKesson 20 before today's deposition and obtained 21 permission to use this document. It is 22 Bates marked MCKMDL00615139. 23 For the record, it's captioned 24 "HDMA CEO Quarterly Update -</p>	<p style="text-align: right;">Page 237</p> <p>1 a time. 2 (Witness reviews document.)</p> <p>3 THE WITNESS: Okay. I didn't 4 read it all, but I just like read the 5 first two pages and skimmed the rest.</p> <p>6 BY MR. CLUFF:</p> <p>7 Q. That's plenty enough for all of 8 us.</p> <p>9 Let's look at the first paragraph 10 on the first page that starts "Through active 11 member participation."</p> <p>12 A. Yes.</p> <p>13 Q. Do you see that?</p> <p>14 There's a sentence there in the 15 middle that starts, "HDMA is more proactive and 16 issue-driven than ever before, and our results 17 this year are a testament to new levels of 18 effective collaboration between HDMA members and 19 association staff."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have an understanding that 23 the HDA members would have been collaborating 24 with the HDA or the HDMA?</p>

<p style="text-align: right;">Page 238</p> <p>1 A. Yes.</p> <p>2 Q. The last sentence there reads in</p> <p>3 that first paragraph, "We are accelerating the</p> <p>4 process of decision-making and building member</p> <p>5 consensus in order to develop strategic,</p> <p>6 long-term positions that advance our core</p> <p>7 mission."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Was building member consensus a</p> <p>11 key function of the HDA?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form, lack of foundation.</p> <p>14 THE WITNESS: That is the goal of</p> <p>15 all trade associations.</p> <p>16 BY MR. CLUFF:</p> <p>17 Q. Let's look at the second</p> <p>18 paragraph. It starts, "together, with your help</p> <p>19 and counsel, we are creating a strategic</p> <p>20 framework for continuous improvement based on</p> <p>21 targeted positions, strategies and</p> <p>22 communications that support sound business</p> <p>23 practices and public policies."</p> <p>24 Do you see that?</p>	<p style="text-align: right;">Page 240</p> <p>1 THE WITNESS: That was the goal.</p> <p>2 BY MR. CLUFF:</p> <p>3 Q. So the goal of the HDA was to be</p> <p>4 driven by member input?</p> <p>5 A. Yes.</p> <p>6 Q. So, effectively, when the HDA was</p> <p>7 acting, it was acting on behalf of its</p> <p>8 distributor members?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. CLUFF:</p> <p>13 Q. If you go down a little bit more,</p> <p>14 there's a brief text that says "Key highlights</p> <p>15 of 2006 include."</p> <p>16 Do you see that?</p> <p>17 A. Mm-hmm.</p> <p>18 Q. If you go to the third bullet</p> <p>19 point it says, "HDMA's Industry Relations group</p> <p>20 developed business process guidelines to help</p> <p>21 distributors and manufacturers make better and</p> <p>22 more efficient use of EDI transaction sets."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 239</p> <p>1 A. Yes.</p> <p>2 Q. It continues, "From the FDA to</p> <p>3 DEA, and from Capitol Hill to state capitols</p> <p>4 across the country, HDMA has worked tirelessly</p> <p>5 to advocate for key initiatives that further</p> <p>6 secure the supply chain while permitting the</p> <p>7 continued, reliable and cost-efficient</p> <p>8 distribution of healthcare products to providers</p> <p>9 and pharmacies."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. All right. The next sentence</p> <p>13 starts, "Guided by member input and</p> <p>14 Board-approved strategic priorities, HDMA has</p> <p>15 established a clear future focus on behalf of</p> <p>16 our active distributor members, and the industry</p> <p>17 as a whole."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. My question is were the HDMA's</p> <p>21 activities really guided by member input and</p> <p>22 board-approved strategic priorities?</p> <p>23 MR. NICHOLAS: Object to the</p> <p>24 form, lack of foundation.</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Do you know what EDI transaction</p> <p>2 sets are?</p> <p>3 A. No.</p> <p>4 Q. Do you have any idea what these</p> <p>5 business process guidelines might be?</p> <p>6 A. No.</p> <p>7 Q. If you go to the second page,</p> <p>8 there's a paragraph in the middle that says,</p> <p>9 "given what's ahead."</p> <p>10 A. Yes.</p> <p>11 Q. That paragraph appears to be</p> <p>12 talking about what HDMA intends to do in the</p> <p>13 coming year.</p> <p>14 And then in the middle of the</p> <p>15 paragraph there's a sentence that starts "HDMA</p> <p>16 will achieve these goals."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. That sentence continues, it says,</p> <p>20 "HDMA will achieve these goals by continuing to</p> <p>21 build our alliances with allied healthcare</p> <p>22 associations, including PhRMA, NCPA, BIO, GPhA</p> <p>23 and NACDS."</p> <p>24 Do you see that?</p>

<p style="text-align: right;">Page 242</p> <p>1 A. Yes.</p> <p>2 Q. I believe we talked about every</p> <p>3 single one of those trade organizations except</p> <p>4 for BIO. Do you know who BIO is?</p> <p>5 A. BIO is the organization -- or the</p> <p>6 association that represents biotechnology</p> <p>7 companies.</p> <p>8 Q. Is that a manufacturer</p> <p>9 organization?</p> <p>10 A. Yes.</p> <p>11 Q. So in this sentence, the HDA is</p> <p>12 informing its members that it's going to achieve</p> <p>13 its goals by building alliances with other</p> <p>14 healthcare associations?</p> <p>15 MR. NICHOLAS: Objection, object</p> <p>16 to the form, foundation.</p> <p>17 THE WITNESS: You should ask HDMA</p> <p>18 these questions, but I would say yes.</p> <p>19 BY MR. CLUFF:</p> <p>20 Q. Okay. Well, you've worked with</p> <p>21 the HDA since you joined AmerisourceBergen,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. So I'm just trying to understand</p>	<p style="text-align: right;">Page 244</p> <p>1 document.</p> <p>2 In my review of documents</p> <p>3 produced by AmerisourceBergen, you are</p> <p>4 potentially one of the longest running employees</p> <p>5 in the company who has had interaction and</p> <p>6 worked with the HDA, so I'm not trying to have</p> <p>7 you explain to me what the HDA meant when they</p> <p>8 wrote this. I'm just asking for your</p> <p>9 understanding of what statements like this would</p> <p>10 mean and also to understand your experience with</p> <p>11 how the HDA worked with its members.</p> <p>12 Does that make sense?</p> <p>13 A. Yes.</p> <p>14 MR. NICHOLAS: Object to the</p> <p>15 form.</p> <p>16 THE WITNESS: Correct.</p> <p>17 MR. CLUFF: Let's set this one</p> <p>18 aside.</p> <p>19 BY MR. CLUFF:</p> <p>20 Q. Did you ever sit on the</p> <p>21 regulatory affairs committee?</p> <p>22 A. No.</p> <p>23 Q. Do you recall receiving e-mails</p> <p>24 from the regulatory affairs committee?</p>
<p style="text-align: right;">Page 243</p> <p>1 your understanding of how the HDA worked with</p> <p>2 its members and its role in assisting its</p> <p>3 members?</p> <p>4 MR. NICHOLAS: Objection. I</p> <p>5 think it just needs to be stated on the</p> <p>6 record that she didn't write the</p> <p>7 document.</p> <p>8 BY MR. CLUFF:</p> <p>9 Q. Do you understand the question?</p> <p>10 MR. NICHOLAS: It's not even</p> <p>11 clear that she received the document.</p> <p>12 Go ahead.</p> <p>13 BY MR. CLUFF:</p> <p>14 Q. Do you understand my purpose in</p> <p>15 asking you these questions?</p> <p>16 MR. NICHOLAS: Object to the</p> <p>17 form. We all have our views as to what</p> <p>18 your purpose might be.</p> <p>19 Go ahead.</p> <p>20 BY MR. CLUFF:</p> <p>21 Q. Let me reexplain it because we</p> <p>22 had some objections in there that kind of</p> <p>23 confused what I was trying to make as a point is</p> <p>24 that I understand you didn't author this</p>	<p style="text-align: right;">Page 245</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall receiving e-mails</p> <p>3 from Pam Ritter at the HDMA?</p> <p>4 A. Yes.</p> <p>5 MR. CLUFF: I'm going to hand you</p> <p>6 a document that's been produced by Henry</p> <p>7 Schein. It's marked as</p> <p>8 HSI-MDL-00620224. Ms. Norton is a</p> <p>9 recipient of the document. She has also</p> <p>10 just testified that she recalls</p> <p>11 receiving e-mails like this that were</p> <p>12 addressed to the regulatory affairs</p> <p>13 committee from Ms. Ritter.</p> <p>14 That's number 22 for my trial</p> <p>15 tech down the way.</p> <p>16 (Document marked for</p> <p>17 identification as Norton Deposition</p> <p>18 Exhibit No. 10.)</p> <p>19 (Witness reviews document.)</p> <p>20 BY MR. CLUFF:</p> <p>21 Q. My questions are going to be</p> <p>22 confined to the third page of this e-mail,</p> <p>23 Ms. Norton, under the section background and</p> <p>24 purpose and to the attachment which begins on</p>

<p style="text-align: right;">Page 246</p> <p>1 the fourth page. 2 A. (Witness reviews document.) 3 MR. MAHADY: Sterling, I believe 4 you when you say she's a recipient, I'm 5 just -- 6 MR. NICHOLAS: I was going to ask 7 the same question. 8 MR. CLUFF: Yeah, yeah, yeah. 9 MR. NICHOLAS: Tell us where. 10 There's a lot of names. 11 MR. CLUFF: So if you look down 12 one, two, three, four, five, six, 13 seven -- eight lines of recipients up 14 from the very bottom of the document. 15 She is the rnorton@AmerisourceBergen. I 16 will also note that Chris Zimmerman 17 received this document, so plenty of 18 AmerisourceBergen people on it, at least 19 two. See Steve Mays is on there too. 20 (Witness reviews document.) 21 BY MR. CLUFF: 22 Q. Okay. Let's start at the second 23 page at the bottom. There's an e-mail from Pam 24 Ritter to Pam Ritter.</p>	<p style="text-align: right;">Page 248</p> <p>1 HDMA coordinating meetings for HDMA members to 2 discuss DEA issues? 3 A. I don't think this meeting ever 4 happened. I think the request was that we 5 wanted to meet with the DEA for this reason, and 6 it was appropriate for a trade association to 7 arrange it, rather than us going individually, 8 but, I mean, I'm not on the RAC committee. I 9 just -- I don't know why I received this. It 10 looks like it went to almost everybody. 11 Q. I just want to ask you a couple 12 more questions then. These are about the HDMA 13 generally, not necessarily like this meeting. 14 There's a bold heading there that 15 says "Background/Purpose." 16 Do you see that, that same second 17 page? 18 A. Yes. 19 Q. It says, "At the May 17 Executive 20 Committee meeting, there was a discussion about 21 recent DEA activities to involve wholesale 22 distributors in efforts to prevent diversion, 23 particularly diversion by way of internet 24 pharmacies."</p>
<p style="text-align: right;">Page 247</p> <p>1 Do you see that at the bottom? 2 A. Yes. 3 Q. She says, "This document is being 4 sent to you at the request of Anita Ducca," and 5 then writes "Dear RAC members." 6 Do you see that? 7 Based on your experience with 8 receiving correspondence from the HDMA and the 9 HDA, were there like Listservs of people who 10 would receive e-mails like this? 11 A. Yes. 12 Q. So like there was an RAC 13 Listserv? 14 A. I guess so, yes. 15 Q. Okay. So continuing she writes, 16 "This is to ask if you are interested in, and 17 when you are available for, a conference call to 18 discuss DEA issues in preparation for a meeting 19 between HDMA and DEA officials." 20 Do you see that? 21 A. Yes. 22 Q. Based on your, you know, tenure 23 with AmerisourceBergen and work with HDMA, do 24 you recall the HDMA and its successor to the</p>	<p style="text-align: right;">Page 249</p> <p>1 Do you see that? 2 A. Mm-hmm. 3 Q. Then it continues, "The Executive 4 Committee requested that HDMA become involved 5 and recommended that HDMA hold meet with 6 appropriate DEA officials to discuss this 7 issue." 8 In your work with the HDMA, do 9 you recall that the Executive Committee often 10 gave the HDMA directives? 11 A. I don't know about often, but 12 regularly. 13 Q. Regularly. And so here it 14 appears that the HDMA is taking action as a 15 result of the request from the Executive 16 Committee, was that common in your experience 17 with the HDMA? 18 A. I would say this occasionally 19 happened. 20 Q. And just, again, to confirm our 21 understanding, the Executive Committee included 22 representatives from AmerisourceBergen, Cardinal 23 Health and McKesson, right? 24 A. Among others.</p>

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1 Q. Among others.
2 MR. NICHOLAS: Just for the
3 record, Sterling, this is a document
4 from 2007; is that correct?
5 MR. CLUFF: Appears to be, yes.
6 MR. NICHOLAS: Okay.
7 BY MR. CLUFF:
8 Q. I believe you previously
9 testified that you don't recall if this -- this
10 meeting occurred, right?
11 A. Yes.
12 Q. Do you know if the meeting with
13 the DEA ever occurred?
14 A. No, I don't.
15 Q. Do you recall ever receiving an
16 update about the meeting from the HDA?
17 MR. NICHOLAS: Object to the
18 form, lack of foundation.
19 THE WITNESS: No.
20 MR. CLUFF: I'm going to hand you
21 a copy of another document. This one
22 has been produced by H.D. Smith. It's
23 from Brian Cherico to a number of
24 recipients. I'll note that Ms. Norton

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1 is a recipient of the document. Her
2 name appears one, two, three, four --
3 five lines up from the bottom of the CC
4 column.
5 MS. HOSMER: Can you read the
6 Bates, please.
7 MR. CLUFF: Yeah, sorry. I'm
8 just getting the witness' copy.
9 MS. HOSMER: Thank you.
10 MR. CLUFF: The Bates numbers are
11 HDS_MDL_00317399. There were
12 attachments to the document which are
13 also included. They appear to begin on
14 HDS_MDL_00317403.
15 (Document marked for
16 identification as Norton Deposition
17 Exhibit No. 11.)
18 BY MR. CLUFF:
19 Q. I'm handing you this document so
20 we can just talk about one of the attachments
21 that has a discussion of a June 1, 2007 meeting.
22 That portion of this document begins second from
23 the -- three pages from the back, which is
24 HDS_MDL_00317423.

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1 A. (Witness reviews document.)
2 Q. Are you good?
3 A. Uh-huh.
4 Q. I want to review this and one
5 more document, and then let's take a break.
6 MR. CLUFF: Do you have a
7 comment?
8 MR. MAHADY: Yeah, I just --
9 looking at the document ending in Bates
10 317423, this is not a AmerisourceBergen
11 produced document, so I want to make
12 sure that no other defendant has clawed
13 back this document, redacted portions of
14 this document, since there's a reference
15 to the call -- having legal counsel on
16 the call.
17 MR. CLUFF: I'm not aware of it.
18 This is available on the database, so
19 let's do this.
20 BY MR. CLUFF:
21 Q. Ms. Norton, do you recall
22 participating in the meeting that's that
23 discussed on this page?
24 A. No.

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1 Q. Okay. Do you recall if anybody
2 from AmerisourceBergen would have participated
3 in this meeting?
4 A. No.
5 Q. Okay. Do you know of any other
6 defendants who participated in this meeting?
7 A. No.
8 Q. Given the reference to counsel,
9 I'm not going to ask you about any of the
10 substance of this meeting. All I want to talk
11 about is the heading; how about that?
12 A. Okay.
13 Q. You see the heading it says,
14 "Summary of HDMA Member Strategy Discussions on
15 the Distributor's Role in Combating the
16 Diversion of Controlled Substances Under the
17 CSA"?
18 A. Yes.
19 Q. Okay. So my only question is
20 there were member strategy discussions that
21 happened within the HDMA, correct?
22 MR. NICHOLAS: Object to the
23 form.
24 THE WITNESS: You're asking me if

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1 what?
2 BY MR. CLUFF:
3 Q. If members had strategy
4 discussions within the HDMA?
5 A. Yes.
6 Q. In the document prior to this, we
7 talked about a meeting to discuss an upcoming
8 HDMA DEA meeting?
9 A. Yes.
10 Q. Having looked at this document,
11 do you see that that strategy meeting occurred?
12 MR. NICHOLAS: Object to the
13 form, lack of foundation.
14 THE WITNESS: It says, HDMA staff
15 conducted a teleconference meeting with
16 members, so, yes.
17 BY MR. CLUFF:
18 Q. Okay. That's my only question
19 about that.
20 MR. CLUFF: Did you want to
21 interpose an objection, Joe?
22 MR. MAHADY: No. I just want to
23 clarify. Are you asking about whether
24 or not the HDMA strategy meeting

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1 occurred or the meeting with the DEA?
2 MR. CLUFF: The HDMA strategy
3 meeting.
4 MR. MAHADY: Okay.
5 BY MR. CLUFF:
6 Q. Was it common for strategy
7 meetings to happen within the HDMA?
8 MR. NICHOLAS: Object to the
9 form.
10 THE WITNESS: As needed.
11 BY MR. CLUFF:
12 Q. What do you mean "as needed"?
13 A. Well, that's what you do with
14 your trade association is when issues arise and
15 you need to have a strategy discussion, that's
16 what you do, you get together and try to
17 understand everyone's concerns.
18 Q. Did you ever participate in any
19 strategy meetings about the DEA?
20 A. This was not my area of
21 expertise. DEA was -- is under the purview of
22 our regulatory and security department, and so I
23 have little to nothing -- in fact, I would say I
24 had no role on this whatsoever, so I can't tell

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1 you anything about this.
2 Q. Are you saying "this" as in the
3 document that's in front of you?
4 A. Yes.
5 Q. Okay. I'm asking you just a more
6 broad question about your participation in
7 general.
8 Did you ever participate in
9 general aside from Exhibit 11, in DEA strategy
10 meetings?
11 MR. NICHOLAS: Objection to the
12 form, asked and answered.
13 THE WITNESS: Not in any DEA
14 strategy, no.
15 BY MR. CLUFF:
16 Q. Okay. Do you -- you were a
17 member of the Federal Government and Affairs
18 Committee we discussed correctly?
19 A. Yes.
20 Q. And the PPC, which eventually
21 became the GPPC, correct?
22 A. Well, vice versa the GPPC become
23 the PPC.
24 Q. Okay, I got it wrong.

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1 Do you recall receiving e-mails
2 as a member of both of those committees?
3 A. Well, I don't recall all of them.
4 I recall receiving e-mails from them generally.
5 Q. I'm going to hand you a copy of a
6 document that's been produced by H.D. Smith.
7 It's HDS_MDL_00136792, Bates numbers end in
8 136794. We'll mark it as Exhibit 12.
9 MR. NICHOLAS: Before you do,
10 since you erroneously promised that the
11 last document would be the last --
12 MR. CLUFF: I said one more
13 document after that one. This is it,
14 and we'll take a break.
15 MR. NICHOLAS: All right. Are
16 you okay?
17 THE WITNESS: Yes. Well, I'm --
18 MR. NICHOLAS: Okay. We'll do
19 one more quick, if you're okay.
20 THE WITNESS: I'm okay.
21 (Document marked for
22 identification as Norton Deposition
23 Exhibit No. 12.)
24 BY MR. CLUFF:

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1 Q. How about this one, I'll walk you
2 through it much more quickly.
3 So at the top it's from Pam
4 Ritter, correct?
5 A. Yes.
6 Q. And you can see it says Subject:
7 Forward: "HDMA DEA Strategy Meeting Request."
8 Do you see that?
9 A. Yes.
10 Q. And the to line up at the top
11 says Pam Ritter, but if you drop down, there's a
12 bold to that says "RAC, FGAC, GPPC, IRC
13 Distributor Members," correct?
14 A. Yes.
15 Q. And we've previously talked that
16 you were a member of at least two of those
17 committees and that you received e-mails as a
18 member of those committees, correct?
19 A. Yes.
20 Q. All right. The first line says,
21 "The DEA strategy meeting has been confirmed for
22 October 16-17 at the HDMA offices in Arlington,
23 Virginia."
24 Do you see that?

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1 A. Yes.
2 Q. Okay. Now, if you go down to the
3 bottom of that page, it says "Possible Meeting
4 Attendees."
5 Do you see that?
6 A. Mm-hmm.
7 Q. If you flip the page, you see
8 your name there?
9 A. Yes.
10 Q. And so you were anticipating
11 attending this DEA strategy meeting for at least
12 one day with Steve Mays and Chris Zimmerman?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: Yes.
16 BY MR. CLUFF:
17 Q. Do you recall if that meeting
18 happened?
19 A. I don't recall the meeting. It
20 was a long time ago.
21 Q. It says down at the bottom or in
22 the middle "Overview/Tentative Agenda."
23 Do you see that?
24 A. Yes.

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1 Q. It says, our initial thoughts are
2 to review the major DEA issues (Suspicious
3 Orders, Methadone, In-Transit Losses, and the
4 Proposed rule to obtain retailers' PST
5 compliance self-cert), then develop specific
6 policy positions and supporting information for
7 them, as well as begin to discuss an overall
8 strategy for identifying solutions and accessing
9 decision makers.
10 Do you see that?
11 A. Yes.
12 Q. This is another example of the
13 HDA providing a forum for its members to create
14 strategies together?
15 MR. NICHOLAS: Object to the
16 form.
17 THE WITNESS: I don't know. Yes.
18 BY MR. CLUFF:
19 Q. Do you recall why you may have
20 been listed as an attendee?
21 A. Recall what?
22 Q. Why you would have been listed as
23 a possible meeting attendee?
24 A. No.

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1 Q. Is that because this kind of
2 activity is outside of your governmental affairs
3 role?
4 A. Yes.
5 MR. CLUFF: Let's take a break.
6 THE VIDEOGRAPHER: Going off the
7 record at 3:37 p.m.
8 (Brief recess.)
9 THE VIDEOGRAPHER: We are back on
10 the record, 3:59.
11 BY MR. CLUFF:
12 Q. Okay, Ms. Norton, we're back on
13 the record so, again, you're back under oath.
14 Do you understand that?
15 A. Yes.
16 Q. Okay, great. I just wanted to
17 take a step back and kind of understand your
18 day-to-day work as the senior vice president of
19 government affairs.
20 What do you kind of do on a daily
21 basis for AmerisourceBergen?
22 A. Well, as I think I mentioned
23 earlier, my job is to educate elected officials
24 and policy makers and the administration on our

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1 business and, also, to help communicate what's
2 going on in the policy world to our company. So
3 I have meetings, I spend a lot of time here at
4 our headquarters. I visit our facilities around
5 the country, and I take legislators and
6 policymakers on tours so they can see it and
7 understand it.
8 And I -- I am on a lot of
9 conference calls.
10 Q. All the lawyers in this room
11 sympathize with your involvement on those
12 conference calls.
13 How often would you say that you
14 are meeting with like we'll limit it to federal
15 legislators?
16 A. So little less than I used to
17 because now I'm kind of overseeing the whole
18 department and our policy development, so I
19 would say 20% of my time is actually
20 face-to-face with legislators and staff, 20 to
21 25%.
22 Q. And so for you that 20 to 25% is
23 down from what it used to be?
24 A. A little bit, yes.

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1 Q. So before you became the senior
2 vice president, were you meeting with federal
3 legislators more often than you are now?
4 A. Well, a lot of times legislators
5 and staff so -- yes.
6 Q. How much before you became the
7 senior vice president were you meeting with
8 federal legislators and/or their staff?
9 A. Probably more like 35%.
10 Q. That change, was that -- was that
11 work pushed on to the other associates that you
12 oversee in the government affairs office?
13 A. I share this responsibility with
14 them, so, yes, they -- they do a lot more of the
15 meetings that I used to do on -- with
16 legislators.
17 Q. When I asked you about federal
18 legislators, you included with them their staff?
19 A. Yes.
20 Q. Do you communicate with
21 legislators oftentimes through their staff?
22 A. Well, we spend probably more time
23 educating staff than we actually educate the
24 members directly because they rely on their

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1 staff to brief them.
2 Q. How about state legislators,
3 before you became the senior vice president, how
4 much time do you think you spent communicating
5 or meetings with state legislators and/or their
6 staff?
7 A. Very little.
8 Q. How about now as the senior vice
9 president, has there been any change?
10 A. No.
11 Q. These conference calls that you
12 referred to, how often do you think you're on a
13 conference call with either a federal or a state
14 legislator or their staffers?
15 A. Well, most of my conference calls
16 are with our internal company people, and then I
17 have conference calls with the people throughout
18 Washington, and our trade association calls are
19 regular, and so I would say 50/50
20 internal/external.
21 Q. And how much of the time do you
22 think of your, you know, total day do you spend
23 on internal calls?
24 A. Well, it varies, but anywhere

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1 from 10 to 20% of my day.
2 Q. And how about external calls,
3 about the same?
4 A. Oh, I'm sorry. Total. Internal
5 calls so 10 to 15 and 10 to 15, something like
6 that.
7 Q. We previously talked about like
8 fundraisers. How often would you say that you
9 attend fundraisers for federal or state
10 legislators?
11 A. So, again, that is -- that is --
12 relates to the time of year. When Congress is
13 in Washington, we attend a lot more than we do
14 when they're not in Washington, but then we do
15 weekend events as well, so I don't know -- do
16 you -- I don't know how to quantify, you know,
17 probably I attend 50 fundraisers a year.
18 Q. And that would include some
19 weekend fundraisers, you said?
20 A. Yes.
21 Q. Okay. And that's skewed more
22 towards the times when Congress is in session,
23 you said?
24 A. Yes.

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1 Q. Has that changed over time, has
2 it increased or decreased?
3 A. It's increased.
4 Q. Is there any reason for the
5 increase?
6 A. Well, I mean, if you read the
7 papers, people spend a lot more money on their
8 campaign so they are under -- they raise a lot
9 more money, so there's a lot more events to help
10 them raise money.
11 Q. Have you ever had occasion to
12 have meetings with White House staff?
13 A. Yes.
14 Q. When was that?
15 A. Many times.
16 Q. Is that something that's happened
17 throughout your career?
18 A. Yes.
19 Q. At AmerisourceBergen?
20 A. At AmerisourceBergen and my other
21 jobs as well.
22 Q. How often in your career at
23 AmerisourceBergen have you met with White House
24 staff?

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1 A. Well, White House staff, probably
2 ten times in the last -- in this
3 administration -- well, in this administration
4 probably, yeah, ten times.
5 Q. So since President Trump has
6 assumed office, you've met with his
7 administration about ten times?
8 A. Yes, and that would include HHS
9 and the White House.
10 Q. How about before that, the prior
11 administration, how many times did you meet with
12 that administration? I know it was a while ago,
13 and it was a long period of administration, but
14 if you can ballpark it, that's fine.
15 A. You know, ten times.
16 Q. Has there been any increase in
17 the frequency with which you interact with
18 legislators either federal or state or their
19 staff as a result of the focus on the opioid
20 crisis?
21 A. I would say we've met with them
22 on the -- equally on the opioid crisis as well
23 as on Medicare, Medicaid and pharmacy
24 reimbursement issues, physician.

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1 Q. Have the number of meetings
2 you've held about the opioid crisis increased in
3 the last few years?
4 A. No.
5 Q. Have you noticed any increase at
6 all in the last ten years about the opioid
7 crisis or meetings about the opioid crisis?
8 A. We haven't really had many
9 meetings with the administration on the opioid
10 crisis.
11 Q. You limited your answer to the
12 administration. I'm asking just more broadly
13 about meetings in general with, you know,
14 federal or state government.
15 A. Oh, with legislators?
16 Q. Yeah.
17 A. Yes, when the legislation both --
18 you know, there's been a lot of legislative
19 activity over the last five or six years, so
20 we've spent a lot more time with legislators on
21 those issues.
22 Q. What are some of the legislative
23 activities that's happened in the last few
24 years?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: There's been
4 various pieces of legislation to help
5 resolve the opioid crisis that we have
6 been involved with.
7 BY MR. CLUFF:
8 Q. We mentioned earlier the Marino
9 Blackburn bill?
10 A. Yes.
11 Q. I think it was also referred to
12 as like S.483 and H.R.471?
13 A. Yes.
14 Q. Do you know what the name of that
15 bill became eventually?
16 A. Ensuring patient access to
17 something.
18 Q. Yeah, that's my best
19 recollection. It wasn't a memory test, but I
20 think that's -- we can all agree it's ensuring
21 patient access something?
22 A. Long title.
23 Q. Yeah. Is that a bill that HDA
24 supported?

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1 A. Yes.

2 Q. Did HDA support that bill along

3 with the HDA?

4 MR. NICHOLAS: Say again.

5 BY MR. CLUFF:

6 Q. I said -- that was a bad

7 question.

8 Did AmerisourceBergen support

9 that bill along with the HDA?

10 A. Yes.

11 Q. Did it also support that bill

12 along with McKesson and Cardinal Health?

13 A. Yes.

14 Q. Do you know if the NACDS

15 supported that bill?

16 A. Yes, they did.

17 Q. Can you describe some of the

18 activities that AmerisourceBergen undertook to

19 support the Ensuring Patient Access Act?

20 A. Well, just educational briefings,

21 you know, with legis -- with staff and their

22 legislators to talk about our efforts to prevent

23 diversion, and we would bring our experts from

24 the company in to meet with them and talk about

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1 the challenges that we have, our interest in

2 working more closely with the DEA again to -- so

3 we could work together to solve the problem

4 versus DEA was not wanting to talk to us at that

5 time.

6 Q. Did AmerisourceBergen coordinate

7 its approach to supporting the Ensuring Patient

8 Access Act with Cardinal Health and McKesson?

9 MR. NICHOLAS: Object to the

10 form.

11 THE WITNESS: Coordinate? I mean

12 HDA would -- I would say was more of the

13 coordinator. We would coordinate with

14 HDA as an industry.

15 BY MR. CLUFF:

16 Q. So the HDA was more of a

17 coordinating entity about the Ensuring Patient

18 Access Act than AmerisourceBergen?

19 A. Yes.

20 MR. NICHOLAS: Object to the

21 form.

22 THE WITNESS: Yes.

23 BY MR. CLUFF:

24 Q. Okay. Let's -- we've been

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1 talking a lot about the HDA. I have just a few

2 more documents about the HDA, and then hopefully

3 we can put that subject to the rest for all of

4 the rest of our lives, until trial.

5 Do you recall participating in

6 the HDA in approximately 2008 on a -- in a

7 meeting about model best practices for

8 suspicious order -- suspicious orders?

9 A. No.

10 Q. Do you know who Richard Cooper is

11 from Williams and Conley?

12 A. No.

13 Q. Do you know who David Durkin is

14 from Olsson Frank and Weeda?

15 A. No.

16 Q. Do you know who Roger Peters is

17 from Valley Wholesale Drug?

18 A. No.

19 Q. How about George Euson from H.D.

20 Smith?

21 A. The name sounds familiar, but I

22 don't know him.

23 Q. Let's go to some bigger names.

24 How about Bruce Russell from McKesson

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1 Corporation, do you recognize that name?

2 A. No.

3 Q. How about Rick Frank from Olsson

4 Frank and Weeda?

5 A. Yes.

6 Q. Who is that?

7 A. He is one of the partners at

8 Olsson Frank and Weeda that advises HDA.

9 Q. Do you know why Mr. Olsson Frank

10 and Weeda would have been included in a meeting

11 about model best practices for suspicious

12 orders?

13 A. Do I know when Mr. Frank --

14 MR. NICHOLAS: You said

15 Mr. Olsson Frank and Weeda, but I think

16 you just mean to say Mr. Frank, right?

17 BY MR. CLUFF:

18 Q. Do you know why --

19 MR. NICHOLAS: It's not its

20 fault. Don't blame the teleprompter.

21 MR. CLUFF: I was just looking to

22 see what happened, Bob. Just looking to

23 see what happened.

24 BY MR. CLUFF:

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1 Q. Do you know why Mr. Frank would
2 have been included in a meeting about model best
3 practices for suspicious orders?
4 A. Outside counsel is always in our
5 meetings at HDA.
6 Q. In communications with the HDA,
7 do you have an understanding about why outside
8 counsel is always included in the meetings with
9 HDA?
10 A. Standard anti-trust.
11 Q. What does that mean?
12 A. Well, I mean, because all
13 companies within the same industry, there's
14 always, for protection, an outside lawyer to
15 make sure nothing is said that could be
16 construed as conflict.
17 Q. What could be construed as
18 violating the anti-trust rules? I mean just if
19 you have an understanding.
20 MR. NICHOLAS: Yeah, I'll object
21 to the form. She's not a lawyer.
22 THE WITNESS: I can't really say.
23 BY MR. CLUFF:
24 Q. Do you know who Gary Hilliard is

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1 from McKesson?
2 A. No.
3 Q. How about Connie Woodburn, do you
4 know Connie Woodburn?
5 A. Yes.
6 Q. And would it make sense to you
7 that Chris Zimmerman and Steve Mays from
8 AmerisourceBergen would have participated in a
9 meeting about model best practices for
10 suspicious orders?
11 MR. NICHOLAS: Object to the
12 form.
13 THE WITNESS: Yes.
14 BY MR. CLUFF:
15 Q. Why is that?
16 A. Because that involved their
17 responsibilities for the company.
18 Q. Do you have any idea why you
19 might have participated in a meeting about model
20 best practices for suspicious orders?
21 A. No.
22 Q. I know you don't recall it, but
23 I'm just asking if you were included as an
24 attendee, do you know why?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: No.
4 BY MR. CLUFF:
5 Q. How about Connie Woodburn, do you
6 know why she might have been included as an
7 attendee at a meeting about model best practices
8 for suspicious orders?
9 A. No.
10 Q. Do you recall in 2012 that there
11 was a hearing of the E&C committee on drug
12 diversion?
13 A. No.
14 Q. Do you know what the E&C
15 committee is, the Energy and Commerce
16 Subcommittee?
17 A. So the Energy and Commerce is a
18 full committee, and it has subcommittees.
19 Q. Okay. So do you recall that
20 maybe there was an Energy and Commerce
21 Subcommittee on Health hearing on drug diversion
22 in 2012?
23 MR. NICHOLAS: Object to the
24 form.

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1 THE WITNESS: I don't recall.
2 BY MR. CLUFF:
3 Q. Do you recall if there was such a
4 meeting whether or not AmerisourceBergen would
5 have met with the HDA to prepare for it?
6 MR. NICHOLAS: Object to the
7 form, lack of foundation.
8 THE WITNESS: I don't remember.
9 BY MR. CLUFF:
10 Q. If I showed you a document about
11 that hearing, would it refresh your
12 recollection?
13 MR. NICHOLAS: Object to the
14 form. That's a hypothetical.
15 MR. CLUFF: It's not. It's a
16 factual question.
17 MR. NICHOLAS: Then please show
18 her the document. She can't know
19 whether it would refresh her
20 recollection.
21 MR. CLUFF: I'm going to hand you
22 a copy of a document that's been -- this
23 was produced by McKesson. It's
24 MCKMDL00652338. This is an e-mail from

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1 Patrick Kelly to Connie Woodburn, Ann
2 Berkey and Rita Norton, which makes Rita
3 Norton a recipient of the document. I'm
4 going to mark it out of order as 14
5 because I put 13 on the wrong --
6 MR. NICHOLAS: I'm sorry. Who
7 produced the document?
8 MR. CLUFF: McKesson.
9 (Document marked for
10 identification as Norton Deposition
11 Exhibit No. 14.)
12 (Witness reviews document.)
13 BY MR. CLUFF:
14 Q. Did you have a chance to look at
15 that?
16 A. Yes.
17 Q. Okay. So does this refresh your
18 recollection that there was an Energy and
19 Commerce Subcommittee on Health hearing in 2012?
20 A. Yes.
21 Q. Do you have any understanding
22 having read this e-mail what that hearing was
23 about?
24 A. Yes.

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1 Q. What was it about?
2 A. According to this, it was on
3 prescription drug diversion.
4 Q. Are you looking at the first line
5 of the body of the e-mail?
6 A. Yes.
7 Q. So it looks like --
8 MR. MAHADY: It's not working
9 real time. I'm not sure if you want it
10 or not, but it stopped again.
11 MR. CLUFF: I'm okay with it.
12 I'd like to just finish, unless you guys
13 really need it.
14 MR. MAHADY: No.
15 BY MR. CLUFF:
16 Q. It looks like this first line of
17 the e-mail refers to the Energy and Commerce
18 Subcommittee on Commerce, Manufacturing and
19 Trade, right?
20 A. Yeah.
21 Q. So when I was referring to
22 Subcommittee on Health, I was using the wrong
23 term?
24 A. Yes.

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1 Q. Okay. Okay. So but, in any
2 event, there was a 2012 hearing about
3 prescription drug diversion.
4 Do you see that?
5 A. Yes.
6 Q. It says, It was very apparent
7 that the preliminary work with Committee members
8 was very effective."
9 Do you see that?
10 A. Yes.
11 Q. And that "there were no
12 accusatory attacks"; is that right?
13 A. Yes.
14 Q. Is that something that you recall
15 the HDA or its members were concerned about
16 leading up to this hearing?
17 A. I don't remember.
18 Q. Do you recall ever discussing
19 that with Connie Woodburn or Ann Berkey?
20 A. No.
21 Q. If you look at the next -- it's
22 hard to discern the paragraphs because they're
23 all jammed together, but a couple lines down it
24 says "Joe Rannazzisi from DEA."

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1 Do you see that?
2 A. Yes.
3 Q. It says, he did "spend most of
4 his testimony and follow-up admitting that DEA
5 is focusing on its Distributor Initiative. At
6 one point he stated something to the effect that
7 DEA has been very up front about expectations
8 from the supply chain, 'but distributors choose
9 not to comply'.
10 Do you see that?
11 A. Yes.
12 Q. Do you understand that the DEA
13 was saying that distributors were not complying
14 with their obligations?
15 MR. NICHOLAS: Object to the
16 form, lack of foundation.
17 THE WITNESS: I don't understand
18 what that means at all.
19 BY MR. CLUFF:
20 Q. Do you understand that it's a
21 point that Mr. Rannazzisi at least was making in
22 2012?
23 MR. NICHOLAS: Object to the
24 form, lack of foundation.

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1 THE WITNESS: No. I mean, I
2 don't understand that sentence.
3 BY MR. CLUFF:
4 Q. Okay. Previously we talked about
5 the fact that AmerisourceBergen is committed
6 to -- and if I'm getting your understanding
7 incorrect, please clarify for me.
8 AmerisourceBergen is committed to working with
9 the DEA, correct?
10 A. Yes.
11 Q. Okay. So the next sentence in
12 this e-mail says, "John Gray did rebuff that
13 assertion point during his testimony," correct?
14 A. Yes.
15 Q. So John Gray was contradicting
16 what Joe Rannazzisi was saying about DEA
17 efforts?
18 MR. NICHOLAS: Object to the
19 form.
20 Go ahead.
21 THE WITNESS: I have no idea. I
22 don't recall this hearing specifically.
23 BY MR. CLUFF:
24 Q. Let's go down to just above where

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1 it says sincerely. It looks like there's a
2 two-line paragraph. It starts with "thank you."
3 Do you see that?
4 A. Yes.
5 Q. It says, "thank you and your GA
6 teams."
7 Does that refer to government
8 affairs teams?
9 A. Yes.
10 Q. All right. "For any and all help
11 you provided in educating committee members in
12 advance of this hearing."
13 Do you see that?
14 A. Yes.
15 Q. Do you recall if
16 AmerisourceBergen, McKesson and Cardinal were
17 working together to educate committee members in
18 advance of this hearing?
19 MR. NICHOLAS: Object to the
20 form, lack of foundation. Go ahead.
21 THE WITNESS: I don't recall.
22 MR. CLUFF: I want to talk some
23 more about efforts to work with the DEA.
24 I'm going to hand you another document

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1 that's been produced by H.D. Smith.
2 It's an e-mail sent from Patrick Kelly.
3 Ms. Norton is a recipient. She is on
4 the second line in the to section. The
5 document has been Bates marked by H.D.
6 Smith as HDS_MDL_00388635.
7 MR. MAHADY: Is this 13,
8 Sterling?
9 MR. CLUFF: No, this is 15. We
10 skipped 13. It's my fault, I numbered
11 them out of order.
12 (Document marked for
13 identification as Norton Deposition
14 Exhibit No. 15.)
15 (Witness reviews document.)
16 THE WITNESS: Okay.
17 BY MR. CLUFF:
18 Q. So let's start at the first page.
19 The top there you can see that this is an e-mail
20 from Kelly Patrick, right?
21 A. Patrick Kelly.
22 Q. Oh, Patrick Kelly, I'm sorry. I
23 was reading correctly in order but backwards.
24 So he's with the HDA, correct?

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1 A. Yes.
2 Q. All right. And you see there on
3 the second line you are one of the recipients of
4 this e-mail?
5 A. Yes.
6 Q. And your colleague -- or excuse
7 me -- your counterpart Ann Berkey from McKesson,
8 she's a recipient of this e-mail as well?
9 A. Yes.
10 Q. As is Connie Woodburn, right?
11 A. Yes.
12 Q. Do you know who Robert Giacalone
13 is from Cardinal Health underneath your name?
14 A. Yes.
15 Q. Who's that?
16 A. He was Chris Zimmerman's
17 counterpart at Cardinal.
18 Q. Looking the subject it says,
19 "HDMA Legislative Strategy Meeting
20 Agenda-Discussion Questions."
21 Do you see that?
22 A. Yes.
23 Q. And if you look at the attachment
24 line, it looks like there are two attachments,

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1 one that is legislative strategy meeting draft
2 agenda and then draft discussion questions.
3 Do you see that?
4 A. Yes.
5 Q. Do you recall receiving this
6 e-mail in 2013?
7 A. No.
8 Q. Do you recall participating in a
9 legislative strategy meeting?
10 A. I don't remember.
11 Q. Do you recall if in 2013
12 Amerisource already had developed this strategy
13 of cooperating with the DEA?
14 MR. NICHOLAS: Object to the
15 form.
16 THE WITNESS: A strategy of
17 cooperating with the DEA?
18 BY MR. CLUFF:
19 Q. Let me rephrase it. You've
20 talked about AmerisourceBergen being committed
21 to working with the DEA, right?
22 A. That was what our goal was, to
23 restoring our working relationship with the DEA.
24 Q. And was that one of

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1 AmerisourceBergen's strategies in combating the
2 opioid crisis?
3 MR. NICHOLAS: Object to the
4 form.
5 THE WITNESS: Yes. We wanted to
6 get everyone working together to help
7 solve the opioid or help -- do what we
8 could to solve the opioid crisis.
9 BY MR. CLUFF:
10 Q. Do you recall if
11 AmerisourceBergen had formed that understanding
12 and that strategy in 2013?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: All I know is that
16 was an ongoing objective of
17 AmerisourceBergen.
18 BY MR. CLUFF:
19 Q. Let's look at the third page of
20 this document. It's the first attachment. You
21 will see at the top it says, "HDMA Drug Abuse
22 and Diversion Legislative Planning Meeting."
23 About halfway down the page there's another line
24 says "Draft Agenda."

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1 Do you see that?
2 A. Mm-hmm.
3 Q. I want to focus your attention on
4 III there. It says "Overview of existing
5 legislative/regulatory activities pertaining to
6 reducing Drug Abuse/Diversion."
7 Do you see that?
8 A. Yes.
9 Q. The first one says "Legislative
10 Activity."
11 Do you recall any legislative
12 activities that were occurring in 2013 that
13 pertained to reducing drug abuse and diversion?
14 A. No, not -- I don't remember.
15 Q. Looking at b, it says "Regulatory
16 Activity."
17 Are you aware from participating
18 or in reviewing this agenda of any regulatory
19 activities that pertained to diversion in 2013?
20 A. I don't remember. 2013 was a
21 long time ago.
22 Q. So then do you recall any legal
23 challenges that pertain to reducing drug abuse
24 and diversion at that time?

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1 A. No.
2 Q. Look at V for me, it says
3 "Developing a Statement of Principles on Drug
4 Abuse and Diversion."
5 Do you see that?
6 A. Yes.
7 Q. Okay. Do you recall anything
8 about that discussion from having looked at this
9 portion of the document?
10 A. No.
11 Q. Underneath that Roman numeral,
12 there's a parenthetical that says "Refer to
13 Discussion Questions."
14 Do you see that?
15 A. Yes.
16 Q. And then if you flip the page,
17 there's a new document -- well, a new attachment
18 that says "Questions for HDMA Drug Abuse
19 Strategy Meeting."
20 Do you see that?
21 A. Mm-hmm.
22 Q. Do you recall reviewing these
23 questions before this meeting on April 30th?
24 A. I don't remember.

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1 Q. At number 1 it says, "What should
 2 the focus of the 4/30 meeting, e.g. define."
 3 And then do you see the first one
 4 there says, "Specific abuse/diversion prevention
 5 options HDMA can be 'for'?"
 6 Do you see that?
 7 A. Yes.
 8 Q. Are there some specific abuse and
 9 diversion prevention options that the HDMA would
 10 be against?
 11 MR. NICHOLAS: Object to the form
 12 of the question.
 13 THE WITNESS: No. I -- no.
 14 BY MR. CLUFF:
 15 Q. Looking down at the next bullet
 16 point, it says the focus of the 4:30 meeting
 17 should be "approaches for relief/protection for
 18 controlled substances distributors."
 19 Do you see that?
 20 A. Where is that?
 21 Q. Second bullet point under number
 22 1.
 23 A. Okay.
 24 Q. Do you recall any discussions

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1 about how to protect controlled substance
 2 distributors with the HDMA?
 3 A. So I don't remember this meeting.
 4 I mean, this is a long time ago, and it looks to
 5 me like this was a brainstorming meeting and
 6 they just put these -- all these questions
 7 together just for the purposes of discussion so
 8 that our industry could come up with a set of
 9 principles, because we were all concerned about
 10 the growing problem and we wanted to be part of
 11 the solution, and I think that's what this was
 12 all about.
 13 Q. Let's talk about some more of the
 14 proposed solutions that were part of this
 15 brainstorming session that you described. Look
 16 at number 2, the last bullet point there.
 17 Do you see that?
 18 A. Yes.
 19 Q. What does that say?
 20 A. "Prevent adverse DEA/State
 21 Actions."
 22 Q. Is that one of the ways that the
 23 HDMA was brainstorming how to fix the opioid
 24 crisis?

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1 MR. NICHOLAS: Object to the
 2 form.
 3 THE WITNESS: I don't remember.
 4 BY MR. CLUFF:
 5 Q. Let's look at number 3. Do you
 6 see the second to last bullet point there, it
 7 starts with "create a strategy"?
 8 A. Yes.
 9 Q. What does -- what does that one
 10 say?
 11 A. "Create a strategy to mitigate
 12 the industry's risk of adverse DEA/state or
 13 other legal actions."
 14 Q. Is that another way that the HDMA
 15 was brainstorming how to fix the opioid crisis?
 16 MR. NICHOLAS: Object to the
 17 form.
 18 THE WITNESS: I don't remember.
 19 BY MR. CLUFF:
 20 Q. Look at number 4 it says,
 21 "Options and positions may inadvertently pose
 22 substantial risks, require additional
 23 distributor resources, or result in customer,
 24 supplier, or other objections."

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1 Do you see that?
 2 A. Yes.
 3 Q. Look at bullet point -- it's the
 4 fourth one down from the top, it starts with
 5 "risking DEA's anger."
 6 A. Mm-hmm.
 7 Q. So it says, "Risking DEA's anger
 8 or giving them even more authority, such as
 9 could occur if we support moving DEA's
 10 responsibilities to FDA, mandatory DEA
 11 inspections for pharmacies before registration,
 12 or mandating that DEA shares ARCOS data with
 13 states and distributors."
 14 That's another example of the way
 15 that the HDMA was brainstorming how to fix the
 16 crisis?
 17 MR. NICHOLAS: Object to the
 18 form.
 19 THE WITNESS: Yes.
 20 BY MR. CLUFF:
 21 Q. And then how about the next one
 22 down, "Risking unintended consequences, such as
 23 better regulatory clarity for distributors may
 24 not be achievable without also agreeing to

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1 greater regulatory responsibilities."
 2 Do you see that one?
 3 A. Yes.
 4 Q. So that's another one that the
 5 HDMA was willing to consider solving the crisis
 6 by taking on greater regulatory
 7 responsibilities?
 8 MR. NICHOLAS: Object to the
 9 form.
 10 THE WITNESS: I don't remember.
 11 BY MR. CLUFF:
 12 Q. Do you recall if there was ever
 13 any discussion of those -- any of those points
 14 within the AmerisourceBergen?
 15 A. I don't remember.
 16 Q. Going back to the first page, we
 17 noted that Ann Berkey and Connie Woodburn were
 18 copied on this e-mail.
 19 Do you recall discussing any of
 20 the substance of this e-mail with them?
 21 A. No.
 22 Q. All right. Let's set that aside.
 23 Do you recall that there were
 24 Attorney General press announcements in 2017

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1 about distributors and lawsuits against them?
 2 MR. NICHOLAS: Object to the
 3 form.
 4 THE WITNESS: I don't remember.
 5 BY MR. CLUFF:
 6 Q. Do you recall that a 60 Minutes
 7 episode aired in 2017 about pharmaceutical
 8 distributors?
 9 A. Yes.
 10 Q. What do you recall about that?
 11 A. I remember that episode.
 12 Q. Were you concerned that
 13 AmerisourceBergen had been ambushed by the 60
 14 Minutes article?
 15 A. Ambushed?
 16 Q. Yeah.
 17 MR. NICHOLAS: Object to the
 18 form.
 19 THE WITNESS: I was concerned
 20 that we needed to do education because
 21 our -- I felt that our industry was
 22 misrepresented in that 60 Minutes.
 23 BY MR. CLUFF:
 24 Q. After the 60 Minutes episode

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1 aired, did the HDA, McKesson, Cardinal Health
 2 and AmerisourceBergen work to align their
 3 responses to it?
 4 MR. NICHOLAS: Object to the
 5 form.
 6 THE WITNESS: Yes.
 7 BY MR. CLUFF:
 8 Q. Is that a regular part of the
 9 work that the HDA did with Cardinal, McKesson
 10 and AmerisourceBergen?
 11 MR. NICHOLAS: Same objection.
 12 THE WITNESS: Not just Cardinal,
 13 McKesson and AmerisourceBergen, but with
 14 all the members.
 15 BY MR. CLUFF:
 16 Q. Would that have included the
 17 manufacturer members and the pharmacy members?
 18 A. No.
 19 Q. Do you know if the HDA was
 20 working to align its responses with other
 21 industry trade associations?
 22 A. I don't remember.
 23 Q. Do you recall AmerisourceBergen
 24 trying to set up a meeting with the HDA -- or

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1 excuse me -- with the DEA through the HDA at any
 2 point in time?
 3 A. No.
 4 Q. Do you know if that's the kind of
 5 a meeting that somebody from the CSRA department
 6 would have tried to coordinate with Cardinal and
 7 McKesson?
 8 MR. NICHOLAS: Object to the
 9 form, lack of foundation.
 10 THE WITNESS: I don't know.
 11 You'd have to ask our regulatory people.
 12 MR. CLUFF: I'm going to hand you
 13 a copy of a document that's been
 14 produced by AmerisourceBergen. We'll
 15 mark it 16.
 16 (Document marked for
 17 identification as Norton Deposition
 18 Exhibit No. 16.)
 19 MR. CLUFF: I'll hand you this
 20 copy, and then I'm going to find ones
 21 for everybody else while you're looking
 22 at it.
 23 For the record, the document was
 24 produced by AmerisourceBergen as

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1 ABDCMDL00322436.
2 (Witness reviews document.)
3 BY MR. CLUFF:
4 Q. Did you have a chance to look at
5 that?
6 A. Yes.
7 Q. Let's start with David May's
8 e-mail to Ruth Miller and Kristen Freitas. Do
9 you see on the bottom of the first page?
10 A. Yes.
11 Q. Apparently, according to his
12 e-mail, there was an RAC call that day, but you
13 couldn't make it, right?
14 A. That's what it says.
15 Q. Okay. And in the second sentence
16 in the first line he says, "I have been meaning
17 to reach out to you as I am concerned with some
18 of the language and reasoning found in the
19 Appellate Court's recent decision in the Masters
20 case."
21 Do you see that?
22 A. Yes.
23 Q. Do you recall having any
24 discussions inside of AmerisourceBergen outside

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1 of the presence of counsel about the Masters
2 case?
3 A. No.
4 Q. He continues and says, "I have
5 had discussions at my company and we think it
6 would be a good idea to have a meeting with DEA
7 to raise our concerns and to get further
8 clarification from them, particularly as it
9 relates to reporting suspicious orders."
10 Do you see that?
11 A. Yes.
12 Q. Do you have any recollection of
13 what meetings he might be talking about?
14 A. No.
15 Q. He continues and says, "I have
16 not yet approached my colleagues at Cardinal or
17 McKesson yet, but I'm confident we all share
18 similar concerns."
19 Do you see that?
20 A. Yes.
21 Q. Do you have any idea why he was
22 so confident that they shared similar concerns?
23 MR. NICHOLAS: Object to the
24 form, lack of foundation.

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1 THE WITNESS: I don't -- this is
2 not my area. I would not have had
3 really anything to do with this.
4 BY MR. CLUFF:
5 Q. Let's go up to the top of the
6 document then. You write to Patrick Kelly.
7 Do you see that?
8 A. Yes.
9 Q. You say, "Hi Patrick, wanted to
10 check in with you to see if this DEA meeting
11 request is in the works?"
12 Do you see that?
13 A. Yes.
14 Q. And then you comment, "Per Ruth
15 and David's messages below it sounds like it
16 would be a good opportunity to do together?"
17 A. Yes.
18 Q. What did you mean by "together"?
19 MR. NICHOLAS: Object to the
20 form.
21 THE WITNESS: For our industry to
22 go in together.
23 BY MR. CLUFF:
24 Q. Through the HDA?

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1 A. Yes.
2 Q. You said this was outside of your
3 area.
4 Do you recall why you would have
5 written this e-mail to Patrick Kelly on the
6 August 2nd, 2017?
7 MR. NICHOLAS: Same objection,
8 lack of foundation, form.
9 THE WITNESS: I don't remember.
10 BY MR. CLUFF:
11 Q. Do you know if David May ever
12 reached out to Cardinal and McKesson about this
13 meeting?
14 A. No.
15 MR. CLUFF: I'm going to hand you
16 another document that was produced by
17 AmerisourceBergen as ABDCMDL00156582.
18 (Document marked for
19 identification as Norton Deposition
20 Exhibit No. 17.)
21 (Witness reviews document.)
22 BY MR. CLUFF:
23 Q. Turn to the second page. Do you
24 see in the middle there you write to Patrick

<p style="text-align: right;">Page 302</p> <p>1 Kelly and say, "Hi Patrick, wanted to check in 2 with you to see if this DEA meeting request is 3 in the works?" 4 Do you see that? 5 A. Yes. 6 Q. So the rest of this e-mail 7 continues from where the last one left off. 8 A. Mm-hmm. 9 Q. I'm sorry to show you two 10 documents. I didn't mean to do that. 11 If you flip back to the first 12 page, Patrick Kelly writes back to you, copies 13 Ruth Miller, Brad Tallamy and Stacie Heller. 14 Who is Ruth Miller? 15 A. Ruth Miller works at HDA. 16 Q. Okay. And then Brad Tallamy and 17 Stacie Heller are AmerisourceBergen associates? 18 A. Yes. 19 Q. Patrick Kelly writes to you and 20 says, "I have been in communication with Demetra 21 Ashley at the DEA's Office of Diversion 22 Control," right? 23 A. I'm sorry, what did you say? 24 Q. The first -- yeah, maybe I</p>	<p style="text-align: right;">Page 304</p> <p>1 Q. Do you have any recollection of 2 that meeting occurring? 3 A. I don't remember. 4 Q. Did you ever discuss that kind of 5 a meeting with anybody at AmerisourceBergen 6 outside of counsel? 7 MR. NICHOLAS: Object to the 8 form, foundation. 9 THE WITNESS: I don't remember. 10 BY MR. CLUFF: 11 Q. You forward this e-mail to David 12 May on August 7th, do you see that, or 13 August 2nd? 14 A. Yes. 15 Q. And he responds to you pretty 16 quickly thereafter, right? 17 A. Yes. 18 Q. He says, "I know Demetra and 19 quite frankly I would prefer to wait until 20 Administrator Rosenberg names a replacement for 21 Milione to have the meeting. That said, it 22 takes DEA so long to coordinate these meetings, 23 I don't want to wait too long to make this 24 specific request (and want it on the "record"</p>
<p style="text-align: right;">Page 303</p> <p>1 mumbled. It's getting late. 2 Patrick Kelly writes back to you 3 and explains that he has been in communication 4 with Demetra Ashley at the DEA's Office of 5 Diversion Control? 6 A. Yes. 7 Q. Do you recall ever receiving that 8 e-mail correspondence from Patrick Kelly? 9 A. No. 10 Q. Looking at the bottom of the 11 first page it says, "The last conversation I had 12 with Demetra was about the need to have DEA host 13 another supply chain association briefing 14 similar to the meeting they hosted in February 15 of 2016." 16 Do you see that? 17 A. Yes. 18 Q. Continuing two sentences later he 19 says, "We attended the peeing along with 20 representatives from PhRMA, GPhS, APhA, NABP, 21 NACDS, NCPA, ASHP and several other trade groups 22 that I cannot immediately remember." 23 Do you see that? 24 A. Yes.</p>	<p style="text-align: right;">Page 305</p> <p>1 that we are seeking clarification in this 2 area)." 3 And then he continues, I have 4 reached out to McKesson and will do with the 5 same with Cardinal and will get back to you when 6 I have their responses. 7 Do you see that? 8 A. Yes. 9 Q. In your work with people from the 10 CSRA department at AmerisourceBergen, was it 11 common for them to reach out and discuss issues 12 with their counterparts at Cardinal Health and 13 McKesson? 14 MR. NICHOLAS: Object to the 15 form. 16 THE WITNESS: I don't know. You 17 would have to ask them. 18 BY MR. CLUFF: 19 Q. Outside of your conversations 20 with AmerisourceBergen's counsel, are you 21 generally aware that AmerisourceBergen has been 22 named as a defendant in multiple lawsuits across 23 the country? 24 A. Yes.</p>

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1 Q. We previously talked about Burt
2 Rosen. He is someone who you know from your
3 work prior to AmerisourceBergen, correct?
4 A. Yes.
5 Q. Do you recall in 2017 that Burt
6 invited people to a meeting at Purdue
7 headquarters to brainstorm if there was anything
8 that the Washington offices could do from a
9 public policy perspective to educate
10 policymakers about the litigation?
11 A. I don't remember that.
12 Q. I'm going to show you a document
13 that may help refresh your recollection.
14 MR. CLUFF: This is an e-mail
15 chain produced by Purdue. It's been
16 produced as PPLPC018001477198 to
17 1477200. Ms. Norton is a recipient of
18 each portion of the chain. We'll mark
19 it as Exhibit 18.
20 (Document marked for
21 identification as Norton Deposition
22 Exhibit No. 18.)
23 MR. CLUFF: Give you that one and
24 I'll find the ones for the lawyers.

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1 MR. NICHOLAS: While you're doing
2 that, before I forget, we went back and
3 looked at Exhibit 11, which you used,
4 Sterling, for some questioning, and it's
5 the one where --
6 MR. CLUFF: Is that the CEPOP
7 document?
8 MR. NICHOLAS: Mr. Mahady asked
9 whether it had been clawed back and we
10 didn't know.
11 MR. CLUFF: Oh, the --
12 MR. NICHOLAS: So what we've
13 learned is that Cardinal did claw the
14 document back. It doesn't look like
15 H.D. Smith has clawed the document back,
16 and it was their Bates stamp document.
17 So I'm a little uncertain about its
18 status. I don't remember the
19 questioning being -- or the answers
20 being tremendously noteworthy, but just
21 to be the way you're supposed to be in
22 these things, I'm going to preserve
23 whatever it is I'm supposed to preserve
24 in case the thing turns out to be clawed

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1 back in its entirety, okay.
2 MR. CLUFF: Okay. Who are you
3 preserving an objection on behalf of,
4 AmerisourceBergen or some other
5 defendant?
6 MR. NICHOLAS: Yeah,
7 AmerisourceBergen. I mean, if the
8 document wasn't supposed to be used, it
9 was supposed to be clawed back and not
10 used, and I'll object to its having been
11 used.
12 MR. CLUFF: Well, if it hasn't
13 been pro -- or clawed by H.D. Smith,
14 then there's no claw back yet. We can
15 meet and confer about the Cardinal
16 clawback, if necessary.
17 MR. NICHOLAS: I kind of doubt
18 it's necessary, because, like I said --
19 MR. CLUFF: Because that
20 questioning wasn't very particularly
21 exciting or the answers weren't, either
22 which way.
23 BY MR. CLUFF:
24 Q. Let's look at the last -- second

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1 to last page of this document. Do you see there
2 in the middle of the page there is an e-mail
3 from Burt Rosen to a group of people, including
4 yourself in the middle?
5 A. Mm-hmm.
6 Q. It says "Subject: Brainstorming
7 Session."
8 Do you see that?
9 A. Yes.
10 Q. He starts off by saying, "I would
11 like to invite you to our office at 1001 Penna.
12 Avenue NW, 13th floor at 2:30 p.m. on Monday the
13 November 13th."
14 Do you see that?
15 A. Yes.
16 Q. And he continues, he says, "I
17 will allocate the time from 2:30 to 4:00 for
18 brainstorming to determine if there is anything
19 the Washington offices may be able to do from a
20 public policy perspective to better educate or
21 impact Washington policymakers' thinking with
22 respect to the litigation brought by plaintiffs'
23 lawyers and states, cities, counties, and
24 municipalities against the opioid supply chain."

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1 Do you see that?

2 A. Yes.

3 Q. Having reviewed this document

4 now, does it refresh your recollection that Burt

5 Rosen proposed a brainstorming session?

6 A. Yes.

7 Q. Let's look at who he invited.

8 Do you know who Dolly Judge from

9 Teva Pharma is?

10 A. Yes.

11 Q. Who is she?

12 A. She was -- she's one of their

13 lobbyists.

14 Q. Did you work with Ms. Judge in

15 your work or in your time at AmerisourceBergen?

16 A. Not really, no. She worked for

17 me at Hoffmann-La Roche.

18 Q. So that's how you know who she

19 is?

20 A. Mm-hmm.

21 Q. Pete Slone we talked about. He's

22 the McKesson counterpart, right?

23 A. Yes.

24 Q. Do you know who Brian Monroe from

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1 Endo is?

2 A. Yes.

3 Q. Who is that?

4 A. He heads their government

5 affairs.

6 Q. Do you recall working with him

7 while you've been employed at AmerisourceBergen?

8 A. Very little.

9 Q. What would you have worked on

10 with Mr. Monroe?

11 MR. NICHOLAS: Object to the

12 form.

13 THE WITNESS: I think primarily

14 these issues related to compounding that

15 I mentioned before.

16 BY MR. CLUFF:

17 Q. Do you know who

18 bburns7@corus.jnj.com is?

19 A. Yes.

20 Q. Who is that?

21 A. Brian Burns. He ran their

22 government affairs at Johnson & Johnson.

23 Q. Did you have occasion to work

24 with Mr. Burns during your time at

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1 AmerisourceBergen?

2 A. No.

3 Q. I think earlier we talked about

4 Janssen and their government affairs people.

5 Did you work with anybody from

6 Janssen's public affairs -- or government

7 affairs office?

8 A. No.

9 Q. The next name on the list is

10 Robert Lively from Allergan.

11 Do you know who that is?

12 A. Yes.

13 Q. Who is that?

14 A. He's in charge of their

15 government affairs.

16 Q. Did you have occasion to work

17 with Mr. Lively while you've been employed at

18 AmerisourceBergen?

19 A. No.

20 Q. And then the last name on the

21 list after yours is Sean Callinicos.

22 Do you see that?

23 A. Yes.

24 Q. We've talked about that's your

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1 counterpart at Cardinal Health?

2 A. Right.

3 Q. So if you look at the next page,

4 there is an e-mail from Sean Callinicos?

5 A. Yes.

6 Q. He writes, "Burt - Pete, Rita and

7 I spoke and we think it would be preferable for

8 you to have at this meeting Patrick Kelly copied

9 and his team from our HDA trade group rather

10 than the individual distributor companies,"

11 correct?

12 A. Yes.

13 Q. So rather than participate

14 directly, you, Pete and Sean spoke and decided

15 that the HDA should represent you in this

16 brainstorming session?

17 A. Yes.

18 Q. And then Burt replies and says

19 that "Patrick and his group would be welcome."

20 Do you see that?

21 A. Yes.

22 Q. Do you recall ever speaking to

23 Mr. Kelly about this meeting occurring?

24 A. I don't recall.

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1 Q. Do you recall if there were any
2 concerns from lawyers about this kind of a
3 meeting happening without disclosing the
4 substance of that communication?
5 MR. NICHOLAS: Object to the
6 form. I just caution you not to
7 disclose anything that would invade the
8 attorney-client privilege.
9 BY MR. CLUFF:
10 Q. Let me reask my question.
11 How about this: Do you recall
12 talking to Pete Slone about whether any of
13 McKesson's lawyers were concerned about this
14 meeting happening?
15 A. No.
16 Q. Do you recall talking with Sean
17 Callinicos about whether or not any of the
18 litigators had concerns about this meeting
19 occurring?
20 A. No.
21 Q. Do you know if this meeting
22 occurred?
23 A. I don't recall.
24 Q. Earlier we talked about

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1 strategies that the HDA could be for.
2 Do you remember that?
3 A. Yes.
4 Q. Wasn't it AmerisourceBergen's
5 policy to say what it was for so that it could
6 kill other things that it was against?
7 MR. NICHOLAS: Object to the form
8 of the question.
9 THE WITNESS: No.
10 MR. NICHOLAS: Lack of
11 foundation.
12 BY MR. CLUFF:
13 Q. Sorry. I think the objection got
14 over your answer.
15 A. No.
16 Q. No, okay.
17 MR. CLUFF: I'm going to hand you
18 a copy of a document that's produced by
19 AmerisourceBergen. We're going to mark
20 it as 19. This is going to be
21 ABDCMDL00160553.
22 (Document marked for
23 identification as Norton Deposition
24 Exhibit No. 19.)

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1 (Witness reviews document.)
2 THE WITNESS: Okay.
3 BY MR. CLUFF:
4 Q. All right. So this e-mail chain
5 is kind of a circuitous route before it finally
6 ends up in your inbox. If you start on the
7 second page, there is an e-mail at the very
8 bottom from Russell Tracy to Gary Riddle and
9 Julie Eddy and Carolyn Grant.
10 Do you know who Tracy Russell is?
11 A. No.
12 Q. Do you know who Gary Riddle is?
13 A. He was at HDA in state government
14 affairs.
15 Q. And who is Julie Eddy?
16 A. She was -- used to be our state
17 government affairs lobbyist.
18 Q. Is she no longer with the
19 company?
20 A. No.
21 Q. Do you know who Carolyn Grant is?
22 A. I don't know her, but I know she
23 was a state lobbyist for Cardinal.
24 Q. So Tracy Russell says, my PA

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1 lobbyist alerted me to the press release below
2 released today. The HB1115 has been around a
3 while, now some traction in the Senate.
4 Do you see that?
5 A. Yes.
6 Q. And there's an article that's
7 below her e-mail, correct?
8 A. Yes.
9 Q. Do you see that?
10 A. Yes.
11 Q. It says, "Senator Jay Costa:
12 Senate Democrats outline legislation to combat
13 opioid and heroin crisis"?
14 A. Yes.
15 Q. We previously discussed that
16 AmerisourceBergen is in favor of solutions that
17 help fix the opioid crisis, correct?
18 A. Yes.
19 Q. If you go up to the very top,
20 there's an e-mail from Julie Eddy to David May
21 and a number of other associates, including Brad
22 Tallamy and Rita Norton, yourself.
23 Do you see that?
24 A. Yes.

<p style="text-align: right;">Page 318</p> <p>1 Q. And Julie Eddy writes, "We like 2 to say what we are 'for' instead of only 3 against. We want to totally kill the opioid tax 4 bills by pointing to our support of other 5 bills." 6 Do you see that? 7 A. Yes. 8 Q. So Ms. Eddy believed it was 9 AmerisourceBergen's policy to say what they were 10 for so they could kill things they were against, 11 right? 12 MR. NICHOLAS: Object to the 13 form. 14 THE WITNESS: I have no idea why 15 she said that. I mean, she was prone to 16 saying irresponsible things. 17 BY MR. CLUFF: 18 Q. Did you reply back and say, 19 Julie, that's an irresponsible thing to say? 20 A. No, but I probably told her that. 21 Q. But it's not in this e-mail, 22 right? 23 A. No. 24 Q. Did you write her an e-mail about</p>	<p style="text-align: right;">Page 320</p> <p>1 Q. Before today's deposition, did 2 you have an opportunity to look for some notes 3 that you took during Mr. Collis' testimony 4 before the Energy and Commerce committee? 5 A. Yes. 6 Q. Okay. I reviewed some of your 7 documents and I don't want to misrepresent the 8 way that you conduct business, but I notice that 9 you do keep notes sometimes on documents. 10 Is that a part of your practice 11 as a AmerisourceBergen employee? 12 A. Occasionally, yes. 13 Q. Is there any particular reason 14 why for the hearing in which Mr. Collis 15 testified that you decided to keep notes? 16 A. Just in case there was any 17 follow-up or anything. 18 Q. Okay. We talked today about a 19 lot of other meetings and phone calls that you 20 would have been a participant in over time. 21 Would it have been your practice 22 to keep notes during any of those meetings or 23 during those phone calls? 24 A. When?</p>
<p style="text-align: right;">Page 319</p> <p>1 it? 2 A. No, I don't remember this. 3 MR. CLUFF: It's about 5:00, so 4 we've been going another little bit of 5 an hour. Why don't we take a break. 6 Let's come back maybe quick, though, 7 from the break, and then I'll see if I 8 have anything else. I know there's like 9 just a couple more documents I want to 10 talk to you about and then just a few 11 like general, and then I think I'm going 12 to be done with the questioning for 13 today. 14 THE WITNESS: Okay. 15 MR. NICHOLAS: Okay. 16 THE VIDEOGRAPHER: Off the 17 record, 5:00. 18 (Brief recess.) 19 THE VIDEOGRAPHER: We are back on 20 the record 5:14 p.m. 21 BY MR. CLUFF: 22 Q. Ms. Norton, you're still under 23 oath so we'll proceed. 24 A. Okay.</p>	<p style="text-align: right;">Page 321</p> <p>1 Q. Any time between 2004 and today. 2 MR. NICHOLAS: Object to the 3 form. 4 THE WITNESS: It's possible. 5 BY MR. CLUFF: 6 Q. I'm not trying to get you to 7 recall specific instances where you may have 8 kept notes. 9 I'm just wondering just as a 10 general practice, do you keep notes about the 11 meetings and phone calls that you participate 12 in? 13 MR. NICHOLAS: Object to the 14 form. 15 THE WITNESS: Yes, but never 16 extensive. I'm just usually a few -- a 17 few notes jotted to me for my own 18 memory. 19 BY MR. CLUFF: 20 Q. Okay. Where would you keep those 21 notes, if they existed? 22 A. Sometimes I write them on the 23 documents that are in front of me. Sometimes I 24 write them on envelopes. Sometimes I write them</p>

<p style="text-align: right;">Page 322</p> <p>1 in a notebook.</p> <p>2 Q. And do you keep those notebooks</p> <p>3 at your office, or do they sometimes travel with</p> <p>4 you? Do they make it home ever?</p> <p>5 MR. NICHOLAS: Object to the</p> <p>6 form.</p> <p>7 THE WITNESS: They don't go home.</p> <p>8 MR. CLUFF: Okay. I'm going to</p> <p>9 hand you a copy of the notes that were</p> <p>10 produced, just so I can get you to look</p> <p>11 at them and authenticate that they're a</p> <p>12 true and correct copy of the notes that</p> <p>13 you believe you took. I'm not going to</p> <p>14 ask you any questions about them because</p> <p>15 I don't know if your eyes or mine could</p> <p>16 take it. But I just want to make sure</p> <p>17 that you can confirm for me that these</p> <p>18 are -- that these are the notes you</p> <p>19 took.</p> <p>20 (Document marked for</p> <p>21 identification as Norton Deposition</p> <p>22 Exhibit No. 20.)</p> <p>23 (Witness reviews document.)</p> <p>24 THE WITNESS: Yes, these are my</p>	<p style="text-align: right;">Page 324</p> <p>1 is that something you're familiar with?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you know if anybody at</p> <p>4 AmerisourceBergen would be the person qualified</p> <p>5 to testify about that group?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form, lack of foundation.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. CLUFF:</p> <p>10 Q. Okay. The next one I'd like to</p> <p>11 describe for you is called the Midwest</p> <p>12 Discussion Group, have you ever heard of that?</p> <p>13 A. No.</p> <p>14 Q. That one is also abbreviated as</p> <p>15 the MWDG, does that ring any bells?</p> <p>16 A. No.</p> <p>17 Q. Another one that I think I</p> <p>18 briefly mentioned before, but I want to just see</p> <p>19 if we get any more traction there is the</p> <p>20 Anti-Diversion Industry Working Group.</p> <p>21 Have you heard of that?</p> <p>22 A. Not that I recall.</p> <p>23 Q. If I use the abbreviation ADIWG,</p> <p>24 does that ring any bells?</p>
<p style="text-align: right;">Page 323</p> <p>1 notes.</p> <p>2 BY MR. CLUFF:</p> <p>3 Q. All right. You can go ahead and</p> <p>4 set those aside.</p> <p>5 Earlier we talked about, you</p> <p>6 know, a number of the trade associations or</p> <p>7 trade organizations that AmerisourceBergen</p> <p>8 participants in. I don't want to rehash any of</p> <p>9 that, but I want to talk about some maybe less</p> <p>10 formal groups that AmerisourceBergen may have</p> <p>11 participated in just to see if you have any</p> <p>12 understanding about them. And when I go through</p> <p>13 them, I'm going to give you the full name, as I</p> <p>14 understand it, and then the abbreviation and you</p> <p>15 can tell me whether or not you recognize either</p> <p>16 one.</p> <p>17 How does that sound?</p> <p>18 A. Okay.</p> <p>19 Q. The first one I'm curious about</p> <p>20 is the New Jersey Pharmaceutical Industry</p> <p>21 Working Group.</p> <p>22 Have you ever heard of that?</p> <p>23 A. No.</p> <p>24 Q. If I use the abbreviation NJPIG,</p>	<p style="text-align: right;">Page 325</p> <p>1 A. No.</p> <p>2 Q. We previously talked about the</p> <p>3 DEA Clearinghouse, you're familiar with that</p> <p>4 idea?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. How are you familiar with</p> <p>7 the DEA Clearinghouse?</p> <p>8 A. It's a -- well, it's a proposal</p> <p>9 that's been talked about for legislation.</p> <p>10 Q. What do you mean it's a proposal</p> <p>11 that has been talked about for legislation?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form.</p> <p>14 THE WITNESS: Just that there's</p> <p>15 been concepts developed to discuss</p> <p>16 whether it could -- should be legislated</p> <p>17 or whether there was a need for</p> <p>18 legislation.</p> <p>19 BY MR. CLUFF:</p> <p>20 Q. Do you recall when the concept</p> <p>21 was first raised?</p> <p>22 A. No.</p> <p>23 Q. Do you know who suggested the</p> <p>24 concept for the first time?</p>

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1 A. No.
2 Q. Have you ever had any
3 conversations with, for example, Chris Zimmerman
4 or David May about the DEA Clearinghouse?
5 A. Yes.
6 Q. Do you recall the substance of
7 those conversations?
8 A. No.
9 MR. CLUFF: I'm going to hand you
10 a copy of document that was produced by
11 AmerisourceBergen. It's Bates stamped
12 ABDCMDL00157014. It's a one-page
13 document. Here you go.
14 (Document marked for
15 identification as Norton Deposition
16 Exhibit No. 21.)
17 (Witness reviews document.)
18 MR. MAHADY: What is the number
19 on that?
20 MR. CLUFF: Twenty-one I believe,
21 sir.
22 BY MR. CLUFF:
23 Q. All good?
24 A. Yes.

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1 Q. Let's start at the bottom. That
2 e-mail is authored by you there on October 17,
3 2017.
4 Do you see that?
5 A. Yes.
6 Q. Okay. And you write, "Brad Chris
7 has a real lie good idea for a opioid
8 clearinghouse type proposal that he has already
9 started to talk to Cardinal and McK."
10 Do you know if McK stands for
11 McKesson?
12 A. Yes.
13 Q. Okay. And you continue and say,
14 "Maybe we can connect later this week to start
15 to put ideas on paper for the HDA discussion?"
16 Do you see that?
17 A. Yes.
18 Q. Who is Brad in that paragraph?
19 A. Brad Tallamy.
20 Q. Does this refresh your
21 recollection about discussing this idea of an
22 opiate clearinghouse with Chris Zimmerman and
23 David May?
24 A. Yes.

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1 Q. Going up to the paragraph above
2 that, it looks like Chris Zimmerman replies to
3 this e-mail.
4 Do you see that?
5 A. Yes.
6 Q. He says, "This actually came out
7 of ADWIG."
8 Do you see that?
9 A. Yes.
10 Q. Do you know what ADWIG is?
11 A. Well, that's that working group
12 that Chris and David participate in. I've never
13 had any interaction with them.
14 Q. So does it refresh your
15 recollection that AmerisourceBergen participated
16 in the Anti-Diversion Working Group?
17 MR. NICHOLAS: Object to the
18 form, lack of foundation.
19 THE WITNESS: Like I said, I only
20 know of it from Chris and David.
21 BY MR. CLUFF:
22 Q. Okay. It looks like Chris
23 continues and says or identifies some ADWIG
24 persons. I'm using that abbreviation because

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1 that's what he wrote.
2 He includes ABC, Cardinal, McK,
3 Teva, Mallinckrodt.
4 Do you see those names?
5 A. Yes.
6 Q. Do you know if those are
7 participants in this ADWIG or APIWIG?
8 MR. NICHOLAS: Objection, lack of
9 foundation.
10 THE WITNESS: You'd have to ask
11 Chris.
12 BY MR. CLUFF:
13 Q. Do you recall ever doing any work
14 on the opioid clearinghouse, for example,
15 creating a clearinghouse white paper?
16 A. No, I don't.
17 Q. Okay. Do you know if Brad
18 Tallamy did any work on a DEA clearinghouse
19 white paper?
20 A. Yes.
21 Q. What did that work entail, based
22 on your recollection?
23 A. Just as an -- just as a reviewer.
24 Q. Do you know if he did that work

<p>Page 330</p> <p>1 in conjunction with Mallinckrodt?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall ever discussing</p> <p>4 with Chris Zimmerman an opioid abuse prevention</p> <p>5 coalition?</p> <p>6 A. No.</p> <p>7 MR. CLUFF: I want to show you a</p> <p>8 document really quickly that's been</p> <p>9 produced by AmerisourceBergen. We'll</p> <p>10 mark it as Exhibit 22. The Bates</p> <p>11 numbers are ABDCMDL00277296.</p> <p>12 (Document marked for</p> <p>13 identification as Norton Deposition</p> <p>14 Exhibit No. 22.)</p> <p>15 BY MR. CLUFF:</p> <p>16 Q. Here's your copy.</p> <p>17 A. (Witness reviews document.)</p> <p>18 Q. I just want to ask you some</p> <p>19 questions about the e-mail between you and Chris</p> <p>20 at the very top, but feel free to read the</p> <p>21 entire thing, if you would like to.</p> <p>22 A. (Witness reviews document.)</p> <p>23 Okay.</p> <p>24 Q. Having reviewed this document,</p>	<p>Page 332</p> <p>1 Amerisource was -- AmerisourceBergen was</p> <p>2 concerned about looking like they were</p> <p>3 concerned.</p> <p>4 It was a poor choice of words on</p> <p>5 my part because we -- I was concerned,</p> <p>6 AmerisourceBergen was concerned, we were</p> <p>7 concerned, so this was a poor choice of</p> <p>8 words on my part.</p> <p>9 BY MR. CLUFF:</p> <p>10 Q. But the words that you chose were</p> <p>11 that we need to look like we are concerned about</p> <p>12 the broader problem, correct?</p> <p>13 MR. NICHOLAS: Objection. Just</p> <p>14 bickering, arguing.</p> <p>15 THE WITNESS: Those are the words</p> <p>16 on the e-mail.</p> <p>17 MR. CLUFF: Okay. That's all.</p> <p>18 You can set that aside.</p> <p>19 I want to hand you a copy of a</p> <p>20 document that was produced by McKesson.</p> <p>21 Ms. Norton is a recipient of a portion</p> <p>22 of this document, but then there is a</p> <p>23 continuing discussion between Ann Berkey</p> <p>24 and Kelly Patrick. I met and conferred</p>
<p>Page 331</p> <p>1 does it refresh your recollection at all about</p> <p>2 discussions with Chris related to an Opioid</p> <p>3 Abuse Prevention Coalition?</p> <p>4 A. I don't remember the specific</p> <p>5 conversation but --</p> <p>6 Q. Looking at just the top portion</p> <p>7 of this document, which is the e-mail you write</p> <p>8 to Chris on September 15th, 2014, you say, "I</p> <p>9 think it's for optics - for example - Senator</p> <p>10 Whitehouse is going to introduce a comprehensive</p> <p>11 abuse prevention proposal and we need to look</p> <p>12 like we are concerned about the broader problem</p> <p>13 - maybe this coalition would help with that or</p> <p>14 maybe not - I think you would be the best rep if</p> <p>15 we do it."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. How come AmerisourceBergen was</p> <p>19 concerned with looking like they were concerned</p> <p>20 about the broader problem?</p> <p>21 MR. NICHOLAS: Objection to the</p> <p>22 question, the form. This misrepresents</p> <p>23 testimony, the document.</p> <p>24 THE WITNESS: This does not say</p>	<p>Page 333</p> <p>1 with counsel for AmerisourceBergen prior</p> <p>2 to the deposition, and we obtained</p> <p>3 approval to use this document.</p> <p>4 MR. NICHOLAS: You mean counsel</p> <p>5 for McKesson.</p> <p>6 MR. CLUFF: Yes, thank you. So</p> <p>7 we'll mark this as Exhibit 23. It's</p> <p>8 Bates marked for the record as</p> <p>9 MCKMDL00652447.</p> <p>10 (Document marked for</p> <p>11 identification as Norton Deposition</p> <p>12 Exhibit No. 23.)</p> <p>13 (Witness reviews document.)</p> <p>14 THE WITNESS: Okay.</p> <p>15 BY MR. CLUFF:</p> <p>16 Q. Starting with Mr. -- the very</p> <p>17 bottom there it says on March 24, 2014, Kelly</p> <p>18 Patrick wrote.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. We can blow it up on the screen</p> <p>22 in front of you too, if that makes it easier.</p> <p>23 MR. NICHOLAS: Patrick Kelly.</p> <p>24 MR. CLUFF: Did I say Kelly</p>

<p style="text-align: right;">Page 334</p> <p>1 Patrick again. Thank you. 2 BY MR. CLUFF: 3 Q. He writes "Ann, Connie and Rita, 4 well, it looks like we had some challenges 5 finding a time that worked for everyone. Can we 6 possibly do a quick call at 4:00?" And then he 7 says, "If not, I can fill everyone in via e-mail 8 regarding a discussion the Executive Committee 9 had last week on the topic of drug 10 abuse/diversion." 11 Do you see that? 12 A. Yes. 13 Q. And apparently that was 14 specifically with regard to the Marino Blackburn 15 legislation? 16 A. Yes. 17 Q. And that's the same bill we 18 talked about earlier eventually became the 19 Ensuring Patient Access Act? 20 A. Yes. 21 Q. Okay. If you go up, Patrick 22 Kelly eventually responds to Ann Berkey and he 23 says, "Ann, sorry to miss you. And sorry for 24 short notice on the call." Then he continues,</p>	<p style="text-align: right;">Page 336</p> <p>1 Q. Continuing the next sentence 2 says, "The Executive Committee agreed to meet 3 monthly via telephone to discuss this issue." 4 Do you see that? 5 A. Yes. 6 Q. Were you aware that the Executive 7 Committee was meeting on a monthly issues to 8 discuss diversion issues like the Marino 9 Blackburn bill? 10 A. I don't remember this. 11 Q. Did you ever talk to anybody from 12 Amerisource who sat on the Executive Committee 13 about their monthly meeting schedule? 14 A. Not that I recall. 15 Q. Are you familiar with Senators 16 Hatch and Whitehouse? 17 A. Yes. 18 Q. Are you familiar with a Senate 19 bill that would have been called S.2862? If 20 you're not, it's okay. I'm just curious. 21 A. No. 22 Q. Okay. Do you recall ever working 23 with the NACDS to submit a patient support 24 letter on behalf of the NACDS to Senators Hatch</p>
<p style="text-align: right;">Page 335</p> <p>1 "The HDMA Executive Committee (EC) had a call 2 last week (March 19) to discuss issues 3 pertaining to drug abuse and diversion." 4 Do you see that? 5 A. Yes. 6 Q. Okay. Continuing on it discusses 7 a person who could not make the call but said 8 that "at the February 27 EC meeting where there 9 was a pretty robust discussion about drug abuse 10 and diversion issues - including the 11 Marino/Blackburn bill." 12 Do you see that? 13 A. Yes. 14 Q. Did you ever have any discussions 15 with any of AmerisourceBergen's Executive 16 Committee members about conversations happening 17 within the HDA about the Marino Blackburn bill? 18 A. Did I ever have discussions? 19 Q. I'll narrow it down. How about 20 in 2014, do you recall having discussions with 21 AmerisourceBergen's representatives to the HDA's 22 Executive Committee about the Marino Blackburn 23 bill? 24 A. I don't recall.</p>	<p style="text-align: right;">Page 337</p> <p>1 and Whitehouse? 2 A. No. 3 Q. Do you recall the Regulatory 4 Transparency Patient Access and Effective Drug 5 Enforcement Act of 2014? 6 A. No. 7 Q. Answers get simple if the answer 8 is no. 9 MR. NICHOLAS: That hasn't been 10 your track record to date, but glad to 11 hear that that's going to be your 12 approach from now on. 13 MR. CLUFF: I'll object to 14 counsel's characterization of my 15 questioning. 16 BY MR. CLUFF: 17 Q. Was AmerisourceBergen ever 18 conflicted about supporting legislation that 19 would combat the opioid crisis but might result 20 in penalties to manufacturers? 21 MR. NICHOLAS: Object to the 22 form. 23 THE WITNESS: I don't know. 24 BY MR. CLUFF:</p>

<p style="text-align: right;">Page 338</p> <p>1 Q. Do you recall ever having a 2 discussion about it complicating 3 AmerisourceBergen's support? 4 A. No. 5 Q. Just need to check one thing 6 really quickly. 7 Would a penalty against a 8 manufacturer have presented a complication for 9 AmerisourceBergen if it was going to support a 10 bill? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: No. 14 BY MR. CLUFF: 15 Q. Why not? 16 A. I don't know, it -- I don't know. 17 It depends. 18 Q. I think previously you mentioned 19 CARA 2.0. 20 Do you recall that? 21 A. Yes. 22 Q. Is that the Comprehensive 23 Diversion and Recovery Act? 24 A. Yes.</p>	<p style="text-align: right;">Page 340</p> <p>1 and executives to be brought before the Finance 2 Committee and be held accountable for the 3 epidemic? 4 A. Yes. 5 Q. Did you have any concerns about 6 that? 7 A. Yes. 8 Q. What were your concerns? 9 A. I didn't think that was a good 10 idea. 11 Q. Why not? 12 A. For distributors, let me say. I 13 haven't -- I don't know about anybody else. 14 Q. Why would it not be a good idea 15 to call distributors before the finance 16 committee to be held accountable for the 17 epidemic? 18 A. Because it wasn't -- we had no 19 role in the opioid crisis, creating the opioid 20 crisis, so we weren't the people to question. 21 Q. Does any of your work involve 22 monitoring the orders that AmerisourceBergen 23 receives or fills on a daily basis? 24 A. No.</p>
<p style="text-align: right;">Page 339</p> <p>1 Q. And 2.0, did it update the 2 original CARA 1.0? 3 A. I think it provided additional 4 funding and support and programs for opioid 5 crisis. 6 Q. Do you recall that one of the 7 original provisions of CARA 2.0 would have been 8 to increase civil and criminal penalties against 9 manufacturers that failed to report suspicious 10 orders or failed to maintain effective controls 11 against opioid diversion? 12 A. I don't recall that. 13 Q. Do you recall ever expressing 14 concern that that provision might complicate 15 AmerisourceBergen's support? 16 A. No. 17 Q. Do you know who -- do you 18 recognize the last name Wyden, W-y-d-e-n? 19 A. Senator Ron Wyden. 20 Q. Do you recall him giving a 21 statement during any hearings in 2018? 22 A. Many. 23 Q. Do you recall that Senator Wyden 24 called for opioid manufacturers and distributors</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. Does any of your work at 2 AmerisourceBergen involve identifying suspicious 3 orders? 4 A. No. 5 Q. So what's the basis for your 6 statement that AmerisourceBergen didn't 7 contribute to the opioid crisis? 8 MR. NICHOLAS: Object to the form 9 of the questioning and just the arguing, 10 start an argument at 5:30 in the 11 afternoon. 12 THE WITNESS: Just that we don't 13 manufacture, market, prescribe, we don't 14 have any role in knowing or having any 15 role in creating the opioid crisis. 16 We're filling the order from our 17 customers. 18 BY MR. CLUFF: 19 Q. If AmerisourceBergen was filling 20 suspicious orders to its customers, would that 21 have contributed to the opioid crisis? 22 MR. NICHOLAS: Objection. It's a 23 hypothetical. 24 THE WITNESS: We would not -- we</p>

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1 would not do that.
2 BY MR. CLUFF:
3 Q. In April of 2018, did you feel
4 like it was hell in DC for distributors?
5 MR. NICHOLAS: Object to the
6 form.
7 MR. CLUFF: I'll mark an
8 AmerisourceBergen document as Exhibit
9 24. It's produced as ABDCMDL00367355.
10 (Document marked for
11 identification as Norton Deposition
12 Exhibit No. 24.)
13 MR. NICHOLAS: Sterling, you were
14 going to do that in any event.
15 MR. CLUFF: No, I wasn't --
16 MR. NICHOLAS: So you don't have
17 to act like --
18 MR. CLUFF: -- Bob, you pushed me
19 into it, that's fine. I was just going
20 to ask her a simple question.
21 MR. NICHOLAS: Yeah.
22 MR. CLUFF: I don't know if I
23 said for the record, we'll mark that as
24 Exhibit 24.

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1 (Witness reviews document.)
2 BY MR. CLUFF:
3 Q. The only reason I asked you the
4 question that I just did is because, as you can
5 see at the top of this document, you wrote
6 "Things are hell here."
7 Can you just explain to me what
8 you meant when you wrote that?
9 A. I'm -- it was a stressful time.
10 Q. Why was it hell there?
11 A. Well --
12 MR. NICHOLAS: Asked and
13 answered.
14 THE WITNESS: I think that was an
15 overstatement.
16 BY MR. CLUFF:
17 Q. What was --
18 A. I may not --
19 Q. Sorry. I didn't mean to
20 interrupt you.
21 A. An exaggeration, I was just tired
22 probably.
23 Q. You write, "This really worries
24 me - hope Schumer doesn't jump on board."

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1 Why did this really worry you?
2 A. Because I didn't think it was
3 right for us to -- for our industry and our
4 company to have to testify in a -- before a
5 committee on our -- on the opioid crisis.
6 Q. Then you write, "hope Schumer
7 doesn't jump on board."
8 What did you mean by that?
9 A. Senator Schumer is the leader in
10 the Senate, and Senator Wyden is one of the
11 chairman, so senator Schumer has a lot of
12 influence and so I just wanted to make sure -- I
13 just made that statement. It was a careless
14 statement.
15 Q. Earlier we discussed that your
16 understanding is that AmerisourceBergen is
17 committed to combating the opioid crisis. We
18 didn't use those exact words, but would you
19 agree with that statement?
20 A. Yes.
21 Q. If testifying before Congress
22 could contribute to solving the opioid crisis,
23 don't you think it was a good idea for
24 AmerisourceBergen to do it?

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1 MR. NICHOLAS: Object to the form
2 and the word play and the arguing.
3 Go ahead.
4 THE WITNESS: I don't think
5 AmerisourceBergen's testifying helps
6 solve the opioid crisis.
7 BY MR. CLUFF:
8 Q. Did you agree -- you disagreed
9 then with Senator Wyden when he said that the
10 distributors should be held accountable for the
11 epidemic?
12 A. Yes.
13 Q. So even though Senator Wyden
14 appeared to believe that that would help solve
15 the crisis, AmerisourceBergen didn't agree?
16 MR. NICHOLAS: Object to the
17 form, but go ahead.
18 THE WITNESS: I'm not -- I'm
19 speaking on behalf of myself, and I do
20 not think that it was -- would do
21 anything to solve the crisis.
22 MR. CLUFF: I just have two more
23 documents for you, and then I may be
24 done with the questioning for today.

<p style="text-align: right;">Page 346</p> <p>1 The first is a document produced</p> <p>2 by AmerisourceBergen as ABDCMDL00367840.</p> <p>3 We're going to mark it as Exhibit 25.</p> <p>4 This is an e-mail from Sean Callinicos</p> <p>5 to Rita Norton at the top.</p> <p>6 (Document marked for</p> <p>7 identification as Norton Deposition</p> <p>8 Exhibit No. 25.)</p> <p>9 (Witness reviews document.)</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. Earlier we talked about whether</p> <p>13 or not you and your counterparts from Cardinal</p> <p>14 Health or McKesson ever exchanged information</p> <p>15 that you thought would be helpful to your</p> <p>16 respective companies.</p> <p>17 Do you recall that question?</p> <p>18 A. Yes.</p> <p>19 Q. Who is Robert Zirkelbach, do you</p> <p>20 see that name at the bottom of the --</p> <p>21 A. Yes, he is the head of</p> <p>22 communications for PhRMA.</p> <p>23 Q. Do you know how Sean Callinicos</p> <p>24 may have come into possession of this e-mail</p>	<p style="text-align: right;">Page 348</p> <p>1 A. No.</p> <p>2 Q. Were you in the habit of ignoring</p> <p>3 e-mails from Sean Callinicos?</p> <p>4 A. No.</p> <p>5 MR. NICHOLAS: Wait a minute.</p> <p>6 Object to the form, mischaracterization</p> <p>7 of prior testimony.</p> <p>8 BY MR. CLUFF:</p> <p>9 Q. Did you do anything with this</p> <p>10 information that you received from Sean?</p> <p>11 A. I don't remember.</p> <p>12 Q. Do you recall in October of 2017</p> <p>13 why this information may have been helpful to</p> <p>14 AmerisourceBergen's CEO?</p> <p>15 MR. NICHOLAS: Object to the</p> <p>16 form.</p> <p>17 THE WITNESS: That was Sean's</p> <p>18 words that he put in that subject of</p> <p>19 that e-mail, not mine.</p> <p>20 BY MR. CLUFF:</p> <p>21 Q. Do you recall anything in 2017</p> <p>22 that would have required AmerisourceBergen's CEO</p> <p>23 to know information about PhRMA?</p> <p>24 MR. NICHOLAS: Object to the</p>
<p style="text-align: right;">Page 347</p> <p>1 from Robert Zirkelbach?</p> <p>2 A. No.</p> <p>3 Q. Did you ever ask him?</p> <p>4 A. I may have, but I don't know. I</p> <p>5 don't remember.</p> <p>6 Q. The subject line of these two</p> <p>7 e-mails is that the Washington -- it's</p> <p>8 abbreviated Wash Post, Washington Post retracts</p> <p>9 PhRMA claim in opioid story.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And then Mr. Callinicos forwards</p> <p>13 that, and now the subject line becomes "More on</p> <p>14 PhRMA - for your CEO."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. So was Cardinal Health looking</p> <p>18 out for AmerisourceBergen's CEO?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know why Sean forwarded</p> <p>21 you this e-mail?</p> <p>22 A. No. You'd have to ask him.</p> <p>23 Q. Did you ever ask him why he</p> <p>24 forwarded you this e-mail?</p>	<p style="text-align: right;">Page 349</p> <p>1 form, badgering.</p> <p>2 THE WITNESS: I don't think this</p> <p>3 was intended for our CEO.</p> <p>4 BY MR. CLUFF:</p> <p>5 Q. But Sean wrote "for your CEO,"</p> <p>6 correct?</p> <p>7 MR. NICHOLAS: Object to the</p> <p>8 form.</p> <p>9 THE WITNESS: It looks like</p> <p>10 someone sent it to Sean for their CEO.</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. Okay. Can you go back to</p> <p>13 document it's Exhibit Number 24, it's just one</p> <p>14 back. It's the Wyden's opening statement</p> <p>15 document.</p> <p>16 Who is Vincent A. Roberti or</p> <p>17 Roberti?</p> <p>18 A. He's one of our consultants.</p> <p>19 Q. Does Amerisource -- well, what</p> <p>20 kind of consultant is he?</p> <p>21 A. A lobbyist.</p> <p>22 Q. Does AmerisourceBergen hire other</p> <p>23 lobbyists as consultants?</p> <p>24 A. Yes.</p>

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1 Q. Do you know how many there are?

2 A. Seven.

3 Q. What are their names?

4 MR. NICHOLAS: When?

5 MR. CLUFF: That's a good point.

6 BY MR. CLUFF:

7 Q. Are there seven lobbyists

8 currently?

9 A. Approximately.

10 Q. Okay. Do you know if the number

11 of lobbyists that AmerisourceBergen has employed

12 as consultants has changed during your tenure

13 with AmerisourceBergen?

14 A. Yes.

15 Q. Has it increased, decreased?

16 A. It fluctuates regularly.

17 Q. So currently it's approximately

18 seven?

19 A. Yes.

20 Q. And is Mr. Roberti one of them?

21 A. Yes.

22 Q. Do you recall who the others

23 might be?

24 A. Well, there's firms that we -- I

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1 mean not individuals. Some are individuals,

2 some are firms.

3 Q. Who are the individuals?

4 A. So Nossaman.

5 Q. Is that a law firm?

6 A. It's a law firm. And Horizon

7 Government Affairs and John O'Neill's firm,

8 which is -- I can't remember the name of his

9 firm, John O'Neill. John Feehery.

10 Q. How do you spell that last name?

11 A. F-e-e-h-e-r-y. Mike Tonger and

12 Julie Hershey Carr.

13 Q. We might need you to get some of

14 those spellings for the court reporter

15 afterwards.

16 A. Sure.

17 Q. What is generally the role that a

18 independent or a consultant lobbyist would play

19 for AmerisourceBergen?

20 A. So we retain consultants who --

21 some consultants have relationships with Senate

22 Democrats, some have relationships with Senate

23 Republicans, some have relationships with House

24 Republicans and some have relationships with

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1 House Democrats, and some among them might have

2 relationships with the administration.

3 Q. Sort of covering all the bases?

4 A. Yes.

5 Q. Does AmerisourceBergen ever

6 retain consultants for a more specific purpose

7 like with a targeted engagement on a specific

8 issue?

9 A. No.

10 Q. Okay. How does AmerisourceBergen

11 select these independent consultants that it

12 hires?

13 MR. NICHOLAS: Object to the

14 form.

15 THE WITNESS: Just based on who

16 they know and who their relationships

17 are and their experience in the

18 healthcare industry generally.

19 BY MR. CLUFF:

20 Q. Has AmerisourceBergen in the 14

21 years you've worked there always employed these

22 consultant lobbyists?

23 A. Yes.

24 Q. I don't want to belabor this

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1 issue, but is there anywhere that

2 AmerisourceBergen keeps a list or a roster of

3 the consultants that it's retained?

4 A. It's publicly available.

5 Q. Is it?

6 A. Yes.

7 Q. That's something that

8 AmerisourceBergen discloses?

9 A. Every company discloses the

10 lobbyists. That's part of our lobbying report

11 that we file quarterly with the Clerk of the

12 House and the Senate and the Clerk of the

13 Senate.

14 Q. When AmerisourceBergen hires a

15 consultant as their lobbyist, is there a

16 retainer agreement that's signed?

17 A. Yes.

18 MR. NICHOLAS: Object to the

19 form.

20 Go ahead, I'm sorry.

21 BY MR. CLUFF:

22 Q. Do you know if those are

23 disclosed along with the identity of the

24 consultant that's hired?

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1 A. No.
2 Q. But that's information that would
3 be within AmerisourceBergen's files?
4 MR. NICHOLAS: Object to the
5 form.
6 THE WITNESS: Yes.
7 BY MR. CLUFF:
8 Q. Would you as the head of
9 government affairs have had meetings with
10 AmerisourceBergen's lobbyists?
11 A. Yes.
12 Q. Do you know if those meetings
13 ever involved topics related to suspicious order
14 monitoring?
15 A. No.
16 Q. How about diversion of controlled
17 substances?
18 A. No.
19 Q. Did you have any meetings with
20 independent or these consultants related to the
21 Marino Blackburn bill?
22 A. Yes.
23 Q. How about the Senators White and
24 Hatch bill, how about that one?

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1 A. Whitehouse and Hatch, yes.
2 Q. How about CARA 2.0, would you
3 have had meetings with lobbyists about that?
4 A. Yes.
5 Q. What would the substance of those
6 meetings generally have been about?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: Just general
10 information sharing and taking
11 assignments to who was going to talk to
12 who and things like that.
13 BY MR. CLUFF:
14 Q. Would they have been reporting
15 back to you or AmerisourceBergen about what the
16 sort of opinion in the House and the Senate
17 would be about issues?
18 MR. NICHOLAS: Object to the
19 form.
20 THE WITNESS: They would report
21 back information from their meetings.
22 MR. CLUFF: Okay. I'm going to
23 conclude my questioning for the day, so
24 you're free to go. I'm going to make a

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1 record with your counsel that he is
2 going to object to, and then we're going
3 to reasonably disagree that I'd like to
4 leave the deposition open because I
5 think that there may be some additional
6 areas of documents that need to be
7 searched for, collected and potentially
8 produced. So pending a meet and confer
9 with AmerisourceBergen's counsel on
10 that, I'm going to reserve my right to
11 call you back. Hopefully, it won't be
12 necessary, but it's something that I
13 have to do just to preserve the record.
14 MR. NICHOLAS: You're right, I
15 disagree. I think that this deposition
16 is concluded and that everything that is
17 supposed to have been produced has
18 already been produced, but, you're
19 right, we can --
20 MR. CLUFF: Reasonably disagree.
21 MR. NICHOLAS: Maybe we'll never
22 have to argue about it, you know.
23 So we're off the record, and
24 we're good to go.

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1 THE VIDEOGRAPHER: That concludes
2 today's deposition. The times is --
3 MR. CLUFF: I'm sorry. You know
4 what, we should go back on the record
5 really quickly.
6 THE VIDEOGRAPHER: We're still on
7 the record.
8 MR. CLUFF: Okay. Did you guys
9 want to revisit whether or not you want
10 to ask Rita any questions? I didn't ask
11 if you wanted to.
12 MR. NICHOLAS: Well, he has
13 questions.
14 MR. CLUFF: Do you have a couple?
15 MR. CREADORE: I do have several.
16 MR. NICHOLAS: He said he had
17 three or four questions.
18 THE VIDEOGRAPHER: Off the
19 record, 5:55.
20 (Pause.)
21 THE VIDEOGRAPHER: We are back on
22 the record at 5:56.
23 BY MR. CREADORE:
24 Q. Good afternoon, Ms. Norton. My

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1 name is Don Creadore. I'm a member of the
 2 Creadore law firm, and I don't represent
 3 government entities, but I do represent babies
 4 and families affected by the opioid crisis,
 5 particularly babies diagnosed with NAS, which is
 6 neonatal absent syndrome, babies who have been
 7 diagnosed or suffer from NOWS, neonatal opioid
 8 withdraw syndrome, and other afflictions and so
 9 forth.

10 I want this record to reflect
 11 today that my attendance is at the behest and
 12 the notice of AmerisourceBergen and its counsel,
 13 who we have spoken to previously, and not by any
 14 other party.

15 And I cannot respectfully waive
 16 my client's right at this time and its
 17 entitlement to seek at a later date additional
 18 testimony from you or other members of your
 19 corporation.

20 Indeed, the letter notice that
 21 was provided to me contains certain details of
 22 today's deposition, but it was unaccompanied by
 23 any notice or any other materials from either
 24 your counsel or from anybody else. So I'm here

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1 today effectively without any information to
 2 back up any of the items that you may have
 3 submitted or your counsel may have submitted in
 4 this proceeding. I do have a question, though,
 5 to ask of you.

6 Earlier in your deposition --
 7 MR. NICHOLAS: Before you ask --
 8 MR. CREADORE: Go ahead, yes.
 9 MR. NICHOLAS: Let me respond to
 10 your statement --
 11 MR. CREADORE: Please do.
 12 MR. NICHOLAS: -- by saying we
 13 disagree with it. We think we provided
 14 proper notice. You have an opportunity
 15 to ask the questions you want to ask
 16 here today, and we can defer to another
 17 day any fight we may have about whether
 18 Ms. Norton would be brought back to a
 19 different deposition. We don't have
 20 to -- we don't have to have that fight
 21 today, but I disagree with you.

22 MR. CREADORE: Okay. We can
 23 agree to disagree, respectfully, but --
 24 and I don't need to have you put it on

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1 the record, it's not your testimony, but
 2 I think you're aware of the fact that I
 3 have not received any documents from
 4 your offices or anybody else on behalf
 5 of the defendants.

6 MR. NICHOLAS: As I say, we can
 7 argue about all this later. Go ahead.

8 BY MR. CREADORE:
 9 Q. In your testimony earlier today
 10 you provided the following statement, and you
 11 can refer back to the transcript at page 55,
 12 line 4 if you need to. Basically you said there
 13 is legitimate need for pain medication and we
 14 recognize that.

15 Do you recall saying that earlier
 16 today?
 17 A. Yes.

18 Q. Okay. When you refer to pain
 19 medication, you were referring to opioid
 20 medications? Is that what you're referring to
 21 in your statement?
 22 MR. NICHOLAS: Object to the
 23 form.

24 BY MR. CREADORE:

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1 Q. In your statement that you
 2 mentioned pain medications, this lawsuit
 3 involves opioid medications, was that what your
 4 reference was in connection with?
 5 MR. NICHOLAS: Object to the
 6 form.
 7 Go ahead.

8 THE WITNESS: Generally, I -- all
 9 pain medication, including opioid.

10 BY MR. CREADORE:
 11 Q. Okay. Does then your claim that
 12 there's a legitimate need for pain medication,
 13 does that reference also encompass pregnant
 14 women?
 15 MR. NICHOLAS: Object to the
 16 form.

17 THE WITNESS: I don't know.

18 BY MR. CREADORE:
 19 Q. Okay. In terms of your testimony
 20 that there is a legitimate need for pain
 21 medication and that we recognize that, does that
 22 also include pain medications for infants in
 23 utero?
 24 MR. NICHOLAS: Object to the

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1 form.
 2 THE WITNESS: No. I don't have
 3 any knowledge or understanding of that.
 4 MR. CREADORE: Okay. Very good.
 5 I have no other questions to ask of you.
 6 Simple, okay.
 7 MR. NICHOLAS: Thank you.
 8 THE VIDEOGRAPHER: Is that it?
 9 MR. CREADORE: That's it.
 10 THE VIDEOGRAPHER: That concludes
 11 today's deposition. The time is
 12 5:59 p.m.
 13 (Witness excused.)
 14 ---
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1 **C E R T I F I C A T I O N**
 2 I, MARGARET M. REIHL, a
 3 Registered Professional Reporter,
 4 Certified Realtime Reporter, Certified
 5 Shorthand Reporter, Certified LiveNote
 6 Reporter and Notary Public, do hereby
 7 certify that the foregoing is a true and
 8 accurate transcript of the testimony as
 9 taken stenographically by and before me
 10 at the time, place, and on the date
 11 hereinbefore set forth.
 12 I DO FURTHER CERTIFY that I
 13 am neither a relative nor employee nor
 14 attorney nor counsel of any of the
 15 parties to this action, and that I am
 16 neither a relative nor employee of such
 17 attorney or counsel, and that I am not
 18 financially interested in the action.
 19
 20
 21 -----
 22 Margaret M. Reihl, RPR, CRR, CLR
 23 CSR #XI01497 Notary Public
 24

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 2 E R R A T A
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 4 **P A G E L I N E C H A N G E**
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 6 **REASON:** _____
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1 **ACKNOWLEDGMENT OF DEPONENT**
 2
 3 I, RITA NORTON, do hereby certify
 4 that I have read the foregoing pages,
 5 and that the same is a correct
 6 transcription of the answers given by me
 7 to the questions therein propounded,
 8 except for the corrections or changes in
 9 form or substance, if any, noted in the
 10 attached Errata Sheet.
 11
 12
 13
 14 _____
 15 **RITA NORTON** **DATE**
 16
 17 Subscribed and sworn to before me this
 18 _____ day of _____, 2019.
 19
 20 My commission expires: _____
 21
 22 _____
 23 **Notary Public**
 24